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6–20–06 Tuesday
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AK94

Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to replace the Standard Industrial Classification codes currently used in Federal Wage System regulations with the more recent North American Industry Classification System codes, published by the Office of Management and Budget. The purpose of this change is to update the wage survey industry regulations by adopting the new classification system.

DATES: *Effective date:* This rule is effective on July 20, 2006.

Applicability date: This rule applies for local wage surveys beginning on or after November 1, 2006.

FOR FURTHER INFORMATION CONTACT: Mark Allen, (202) 606–2838; e-mail *pay-performance-policy@opm.gov;* or FAX: (202) 606–4264.

SUPPLEMENTARY INFORMATION: On November 16, 2005, the Office of Personnel Management (OPM) issued a proposed rule (70 FR 69467) to replace all Standard Industrial Classification (SIC) codes in the Federal Wage System (FWS) regulations with the most closely corresponding North American Industry Classification System (NAICS) codes. Adopting the NAICS system will update the FWS wage survey industry regulations, while making as few changes as possible in the types of industrial establishments already included in FWS wage surveys under the SIC system. These regulations use 2002 NAICS codes. As the Office of Management and Budget updates the NAICS periodically, we will update these regulations to correspond to the updated NAICS codes based on advice we receive from the Federal Prevailing Rate Advisory Committee.

The proposed rule had a 30-day public comment period, during which OPM received no comments. However, the final rule incorporates some formatting changes in the industry charts to improve consistency and readability, and three additional minor changes that are consistent with the intent of the proposed rule. First, section 532.313(b) of title 5, Code of Federal Regulations, limits special job coverage to Automotive Mechanic, Engine Mechanic, and Heavy Mobile Equipment Mechanic only in certain industries included in surveys concerning the Artillery and Combat Vehicles specialized industry, not in all of the specialized industries, as was originally proposed. Second, the four SIC codes in section 532.223(a) have been converted to comparable NAICS codes. We inadvertently overlooked this section in the proposed rule. Third, we are adding NAICS 5175, Cable and other program distribution, to the communications specialized industry in section 532.313 to better match NAICS wage survey industry coverage to the industry coverage of the SIC system. We inadvertently overlooked this industry in the proposed rule.

This final regulation is effective 30 days after publication. However, to provide the lead agency (the Department of Defense) with sufficient time and a fixed date for planning surveys and implementing changes required by the new industry classification system, the regulation is applicable for wage surveys ordered to begin on or after November 1, 2006.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

E.O. 12866, Regulatory Review

The Office of Management and Budget has reviewed this final rule in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Linda M. Springer,

Director.

■ Accordingly, the Office of Personnel Management is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Subpart B—Prevailing Rate Determinations

■ 2. In § 532.213, revise paragraph (a) to read as follows:

§ 532.213 Industries included in regular appropriated fund wage surveys.

(a) The lead agency must include the industries in the following North American Industry Classification System (NAICS) codes in all regular appropriated fund wage surveys:

2002 NAICS codes	2002 NAICS industry titles
311 through 339 (except 323).	All manufacturing classes except printing and related support activities (NAICS 323).
221	Utilities.
481	Air transportation.
482	Rail transportation.
484	Truck transportation.
485 (except 4853)	Transit and ground passenger transportation except taxi and limousine service (NAICS 4853).

2002 NAICS codes	2002 NAICS industry titles
487 (except 4872)	Scenic and sightseeing transportation except scenic and sightseeing transportation, water (NAICS 4872).
488 (except 4883 and 4884)	Support activities for transportation except support activities for water transportation (NAICS 4883) and support activities for road transportation (NAICS 4884).
492	Couriers and messengers.
493	Warehousing and storage.
515	Broadcasting (except Internet).
517	Telecommunications.
5621	Waste collection.
5622	Waste Treatment and Disposal.
423	Merchant wholesalers, durable goods.
424	Merchant wholesalers, nondurable goods.

* * * * *

■ 3. In § 532.221, revise paragraph (a) to read as follows:

§ 532.221 Industries included in regular nonappropriated fund surveys.

(a) The lead agency must include the following North American Industry Classification System (NAICS) codes in all regular nonappropriated fund wage surveys:

2002 NAICS codes	2002 NAICS industry titles
42312	Motor vehicle supplies and new parts merchant wholesalers.
4232	Furniture and home furnishing merchant wholesalers.
42362	Electrical and electronic appliance, television, and radio set merchant wholesalers.
42369	Other electronic parts and equipment merchant wholesalers.
42371	Hardware merchant wholesalers.
42391	Sporting and recreational goods and supplies merchant wholesalers.
42399	Other miscellaneous durable goods merchant wholesalers.
4241	Paper and paper product merchant wholesalers.
42421	Drugs and druggists' sundries merchant wholesalers.
4243	Apparel, piece goods, and notions merchant wholesalers.
42445	Confectionery merchant wholesalers.
4247	Petroleum and petroleum products merchant wholesalers.
4249	Miscellaneous nondurable goods merchant wholesalers.
44132	Tire dealers.
44311	Appliance, television, and other electronic stores.
44411	Home centers.
44611	Pharmacies and drug stores.
4471	Gasoline stations.
44814	Family clothing stores.
4521	Department stores.
45299	All other general merchandise stores.
45321	Office supplies and stationery stores.
4542	Vending machine operators.
71391	Golf courses and country clubs.
71395	Bowling centers.
72111	Hotels (except casino hotels) and motels.
7221	Full-service restaurants.
7222	Limited-service eating places.
7224	Drinking places (alcoholic beverages).

* * * * *

■ 4. In § 532.223, revise paragraph (a) to read as follows:

§ 532.223 Establishments included in regular nonappropriated fund surveys.

(a) All establishments having 20 or more employees in the prescribed industries within a survey area must be included in the survey universe. Establishments in NAICS codes 4471, 4542, 71391, and 71395 must be included in the survey universe if they have eight or more employees.

* * * * *

■ 5. In § 532.267, revise paragraph (c)(1) to read as follows:

§ 532.267 Special wage schedules for aircraft, electronic, and optical instrument overhaul and repair positions in the Puerto Rico wage area.

* * * * *

(c) * * *

(1) Surveys must, at a minimum, include the air transportation and electronics industries in the following North American Industry Classification System (NAICS) codes:

2002 NAICS codes	2002 NAICS industry titles
3341	Computer and peripheral equipment manufacturing.
33422	Radio and television broadcasting and wireless communications equipment manufacturing.
33429	Other communications equipment manufacturing.
3343	Audio and video equipment manufacturing.
334412	Bare printed circuit board manufacturing.

2002 NAICS codes	2002 NAICS industry titles
334413	Semiconductor and related device manufacturing.
334418	Printed circuit assembly (electronic assembly) manufacturing.
334419	Other electronic component manufacturing.
334511	Search, detection, navigation, guidance, aeronautical, and nautical system and instrument manufacturing.
334613	Magnetic and optical recording media manufacturing.
42342	Office equipment merchant wholesalers.
42343	Computer and computer peripheral equipment and software merchant wholesalers.
4811	Scheduled air transportation.
4812	Nonscheduled air transportation.
4879	Scenic and sightseeing transportation, other.
4881	Support activities for air transportation.
4921	Couriers.
56172	Janitorial services.
62191	Ambulance services.
81142	Reupholstery and furniture repair.

* * * * *

■ 6. In § 532.279, revise paragraphs (c), introductory text, and (c)(1) to read as follows:

§ 532.279 Special wage schedules for printing positions.

* * * * *

(c) The lead agency must establish survey specifications for the printing survey as follows:

(1) The lead agency must include North American Industry Classification System (NAICS) codes 323110 and 323114 in the printing survey and may add other NAICS codes in subsector 323 to the survey based on its survey experience.

* * * * *

■ 7. In § 532.285, revise paragraph (c)(1) to read as follows:

§ 532.285 Special wage schedules for supervisors of negotiated rate Bureau of Reclamation employees.

* * * * *

(c) * * *

(1) Based on Bureau of Reclamation activities and types of supervisory positions in the special wage area, the Bureau of Reclamation must survey private industry companies, with no minimum employment size requirement for establishments, in the following North American Industry Classification System code subsectors:

2002 NAICS codes	2002 NAICS industry titles
211	Oil and gas extraction.
212	Mining (except oil and gas).
213	Support activities for mining.
221	Utilities.
333	Machinery manufacturing.
334	Computer and electronic product manufacturing.
335	Electrical equipment, appliance, and component manufacturing.
484	Truck transportation.
492	Couriers and messengers.
493	Warehousing and storage.
515	Broadcasting (except Internet).
517	Telecommunications.
562	Waste management and remediation services.
811	Repair and maintenance.

* * * * *

■ 8. Revise § 532.313 to read as follows:

§ 532.313 Private sector industries.

(a) For appropriated fund surveys, the lead agency must use the private sector industries in the following North American Industry Classification System (NAICS) codes when it makes its wage schedule determinations for each specialized Federal industry:

2002 NAICS codes	2002 NAICS industry titles
	Aircraft Specialized Industry
332912	Fluid power valve and hose fitting manufacturing.
336411	Aircraft manufacturing.
336412	Aircraft engine and engine parts manufacturing.
336413	Other aircraft part and auxiliary equipment manufacturing.
336415	Guided missile and space vehicle propulsion unit and propulsion unit parts manufacturing.
336419	Other guided missile and space vehicle parts and auxiliary equipment manufacturing.
4811	Scheduled air transportation.
4812	Nonscheduled air transportation.
4879	Scenic and sightseeing transportation, other.
4881	Support activities for air transportation.
4921	Couriers.
54171	Research and development in the physical, engineering, and life sciences.

2002 NAICS codes	2002 NAICS industry titles
56172	Janitorial services.
62191	Ambulance services.
81142	Reupholstery and furniture repair.
	Ammunition Specialized Industry
32592	Explosives manufacturing.
332992	Small arms ammunition manufacturing.
332993	Ammunition (except small arms) manufacturing.
	Artillery and Combat Vehicles Specialized Industry
2211	Electric power generation, transmission, and distribution.
2212	Natural gas distribution.
32732	Ready-mix concrete manufacturing.
332212	Hand and edge tool manufacturing.
332323	Ornamental and architectural metal work manufacturing.
332439	Other metal container manufacturing.
332995	Other ordnance and accessories manufacturing.
332999	All other miscellaneous fabricated metal product manufacturing.
33311	Agricultural implement manufacturing.
33312	Construction machinery manufacturing.
333611	Turbine and turbine generator set units manufacturing.
333618	Other engine equipment manufacturing.
333922	Conveyor and conveying equipment manufacturing.
333923	Overhead traveling crane, hoist, and monorail system manufacturing.
333924	Industrial truck, tractor, trailer, and stacker machinery manufacturing.
3361	Motor vehicle manufacturing.
336211	Motor vehicle body manufacturing.
336212	Truck trailer manufacturing.
336312	Gasoline engine and engine parts manufacturing.
336322	Other motor vehicle electrical and electronic equipment manufacturing.
33633	Motor vehicle steering and suspension components (except spring) manufacturing.
33634	Motor vehicle brake system manufacturing.
33635	Motor vehicle transmission and power train parts manufacturing.
336399	All other motor vehicle parts manufacturing.
33651	Railroad rolling stock manufacturing.
336992	Military armored vehicle, tank, and tank component manufacturing.
4231	Motor vehicle and motor vehicle parts and supplies merchant wholesalers.
42381	Construction and mining (except oil well) machinery and equipment merchant wholesalers.
42382	Farm and garden machinery and equipment merchant wholesalers.
4413	Automotive parts, accessories, and tire stores.
44421	Outdoor power equipment stores.
484	Truck transportation.
4862	Pipeline transportation of natural gas.
492	Couriers and messengers.
5171	Wired telecommunications carriers.
5172	Wireless telecommunications carriers (except satellite).
5173	Telecommunications resellers.
5621	Waste collection.
81299	All other personal services.
	Communications Specialized Industry
33422	Radio and television broadcasting and wireless communications equipment manufacturing.
33429	Other communications equipment manufacturing.
334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334514	Totalizing fluid meter and counting device manufacturing.
334515	Instrument manufacturing for measuring and testing electricity and electrical signals.
335311	Power, distribution, and specialty transformer manufacturing.
48531	Taxi service.
5151	Radio and television broadcasting.
5152	Cable and other subscription programming.
5171	Wired telecommunications carriers.
5172	Wireless telecommunications carriers (except satellite).
5173	Telecommunications resellers.
5174	Satellite telecommunications.
5175	Cable and other program distribution.
5179	Other telecommunications.
	Electronics Specialized Industry
3341	Computer and peripheral equipment manufacturing.
33422	Radio and television broadcasting and wireless communications equipment manufacturing.

2002 NAICS codes	2002 NAICS industry titles
33429	Other communications equipment manufacturing.
33431	Audio and video equipment manufacturing.
334412	Bare printed circuit board manufacturing.
334413	Semiconductor and related device manufacturing.
334414	Electronic capacitor manufacturing.
334415	Electronic resistor manufacturing.
334416	Electronic coil, transformer, and other inductor manufacturing.
334417	Electronic connector manufacturing.
334418	Printed circuit assembly (electronic assembly) manufacturing.
334419	Other electronic component manufacturing.
334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334613	Magnetic and optical recording media manufacturing.
42342	Office equipment merchant wholesalers.
42343	Computer and computer peripheral equipment and software merchant wholesalers.
	Guided Missiles Specialized Industry
332912	Fluid power valve and hose fitting manufacturing.
3341	Computer and peripheral equipment manufacturing.
33422	Radio and television broadcasting and wireless communications equipment manufacturing.
33429	Other communications equipment manufacturing.
334418	Printed circuit assembly (electronic assembly) manufacturing.
334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334613	Magnetic and optical recording media manufacturing.
3364	Aerospace product and parts manufacturing.
54131	Architectural services.
54133	Engineering services.
54136	Geophysical surveying and mapping services.
54137	Surveying and mapping (except geophysical) services.
54171	Research and development in the physical, engineering, and life sciences.
	Heavy Duty Equipment Specialized Industry
332439	Other metal container manufacturing.
332999	All other miscellaneous fabricated metal product manufacturing.
33312	Construction machinery manufacturing.
333923	Overhead traveling crane, hoist, and monorail system manufacturing.
333924	Industrial truck, tractor, trailer, and stacker machinery manufacturing.
33651	Railroad rolling stock manufacturing.
42381	Construction and mining (except oil well) machinery and equipment merchant wholesalers.
	Shipbuilding Specialized Industry
336611	Ship building and repairing.
48839	Other support activities for water transportation.
	Sighting and Fire Control Equipment Specialized Industry
333314	Optical instrument and lens manufacturing.
3341	Computer and peripheral equipment manufacturing.
33422	Radio and television broadcasting and wireless communications equipment manufacturing.
33429	Other communications equipment manufacturing.
334418	Printed circuit assembly (electronic assembly) manufacturing.
334511	Search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing.
334613	Magnetic and optical recording media manufacturing.
	Small Arms Specialized Industry
332994	Small arms manufacturing.

(b) For wage surveys involving the specialized Federal industry "Artillery and Combat Vehicles" in paragraph (a) of this section, the lead agency must limit special job coverage for industries in NAICS codes 2211, 2212, 32732, 484, 4862, 5621, 492, 5171, 5172, and 5173 to automotive mechanic, diesel engine mechanic, and heavy mobile equipment mechanic.

(c) For nonappropriated fund wage surveys, the lead agency must use NAICS codes 71111, 7221, 7222, 72231, 72232, and 7224 (eating and drinking places) when it determines a wage schedule for a specialized industry.

[FR Doc. E6–9667 Filed 6–19–06; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

Foreign Quarantine Notices

CFR Correction

In Title 7 of the Code of Federal Regulations, parts 300 to 399, revised as of January 1, 2006, in § 319.56–2j paragraph (a)(2)(i) is corrected to read as follows:

§ 319.56–2j Conditions governing the entry of apples and pears from Australia (including Tasmania) and New Zealand.

* * * * *

(a) * * *

(2) * * *

(i) Chamber: [1]

MB at NAP	1½ lb for 2 hours at 80–89 °F. 2 lb for 2 hours at 70°–79 °F. 2½ lb for 2 hours at 60–69 °F. 3 lb for 2 hours at 50–59 °F. 4 lb for 2 hours at 40–49 °F.

* * * * *

[FR Doc. 06–55521 Filed 6–19–06; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 360 and 361

[Docket No. APHIS–2006–0019]

Noxious Weeds; South African Ragwort and Madagascar Ragwort

AGENCY: Animal and Plant Health Inspection Service, USDA.

[1] MB=methyl bromide; NAP=normal atmospheric pressure.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the noxious weed and imported seed regulations by adding South African ragwort (*Senecio inaequidens* DC.) and Madagascar ragwort (*Senecio madagascariensis* Poir.) to the list of terrestrial noxious weeds and to the list of seeds with no tolerances applicable to their introduction. This action is necessary to prevent the artificial spread of these noxious weeds into the United States.

DATES: This interim rule is effective June 14, 2006. We will consider all comments that we receive on or before August 21, 2006.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www/regulations.gov* and, in the lower "Search Regulations and Federal Actions" box, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select APHIS–2006–0019 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.
- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0019.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Alan V. Tasker, Noxious Weeds Program Coordinator, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1237; (301) 734–5225.

SUPPLEMENTARY INFORMATION:

Background

The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of a plant pest or noxious weed into the United States or the dissemination of a plant pest or noxious weed within the United States.

The PPA defines "noxious weed" as "any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment." The PPA also provides that the Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States. Under this authority, the Animal and Plant Health Inspection Service (APHIS) administers the noxious weeds regulations in 7 CFR part 360, which prohibit or restrict the importation and interstate movement of those plants that are designated as noxious weeds in § 360.200.

Under the authority of the Federal Seed Act (FSA) of 1939, as amended (7 U.S.C. 1551 *et seq.*), the U.S. Department of Agriculture regulates the importation and interstate movement of certain agricultural and vegetable seeds and screenings. Title III of the FSA, "Foreign Commerce," requires shipments of imported agricultural and vegetable seeds to be labeled correctly and to be tested for the presence of the seeds of certain noxious weeds as a condition of entry into the United States. APHIS' regulations implementing the provisions of title III of the FSA are found in 7 CFR part 361. A list of noxious weed seeds is contained in § 361.6. Paragraph (a)(1) of § 361.6 lists species of noxious weed seeds with no tolerances applicable to their introduction into the United States.

APHIS lists in its regulations only those weeds that meet the international definition of a quarantine pests, i.e., "a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially

controlled." This practice is consistent with the International Plant Protection Convention (IPPC), to which the United States is a signatory. Under the IPPC, a country may prohibit or restrict importation of quarantine pests or, in the case of contaminants in plants for planting, regulated nonquarantine pests. This practice is also consistent with sections 414 and 415 of the PPA, which authorize the Secretary to take general remedial measures or to declare an extraordinary emergency if necessary to prevent the introduction or spread of plant pests or noxious weeds that are new to or not known to be prevalent or distributed widely within and throughout the United States.

In this document, we are amending the regulations by adding South African ragwort (*Senecio inaequidens* DC.) and Madagascar ragwort (*Senecio madagascariensis* Poir.) to the list in § 360.200(c) of terrestrial noxious weeds and to the list in § 361.6(a)(1) of seeds with no tolerances applicable to their introduction. We are taking this action based on information, discussed below, that strongly suggests that *S. inaequidens* and *S. madagascariensis* pose a serious threat to U.S. agriculture and the natural resources of the United States.

This information is also available in the weed risk assessment document, which may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

S. inaequidens is a perennial plant with narrow leaves and bright yellow flowers that is native to the Transvaal and Natal provinces of South Africa. It also occurs in Botswana, Lesotho, Mozambique, Namibia, and Swaziland, though it is unclear whether it is native to those areas. Because it is considered an invasive species even in its native habitat, it is possible that it has spread to other areas in southern Africa in recent years.

It is estimated that *S. inaequidens* produces more than 10,000 seeds per plant per year and seeds may remain viable in the soil for months or years. There are numerous pathways of dispersal, including by wind, in soil, in seed, and as a hitchhiker on containers, vehicles, agricultural machinery, agricultural products such as wool and hay, and on animals. *S. inaequidens* was accidentally introduced to Europe with imports of wool as early as 1889. It now occupies a wide range of habitats within Europe, including along roads, railways, riverbanks, forest clearings, croplands, mountain slopes, vineyards, grasslands, wetlands, tree plantations, pastures, and areas disturbed by fire. *S. inaequidens* is also present in Mexico. It is highly adaptable and able to withstand hot, dry summers and overwinter in areas where temperatures reach −15 °C (5 °F).

Like *S. inaequidens*, *S. madagascariensis* is an invasive perennial plant native to South Africa with yellow flowers and a highly branched stem. In addition, it may also be capable of producing over 10,000 seeds per plant per year, which are easily dispersed by the wind or may hitchhike on other surfaces and objects. These seeds may remain viable in the soil for up to 10 years. Recent studies suggest *S. inaequidens* and *S. madagascariensis* may represent one species; however, a formal taxonomic study has not been conducted to resolve this issue. Therefore, we have evaluated the two taxa as separate, but similar species.

S. madagascariensis now occupies parts of Argentina, Hawaii, Japan, and many coastal regions in Australia. The earliest record of *S. madagascariensis* in Australia is in 1918, when it was probably introduced in ballast. In the 1980s it was introduced to the island of Hawaii, where it is considered a State noxious weed and is under official control. Since its introduction, it has spread to the islands of Kauai, Maui, Oahu, and Kahoolawe, invading pastures, yards, roadsides, natural areas, abandoned fields, and newly developed lots from sea level to as high as 7,000 feet in elevation.

Both *S. inaequidens* and *S. madagascariensis* produce toxic alkaloids. Although livestock may not typically eat *S. inaequidens* or *S. madagascariensis* due to their bitter taste, young plants growing intermixed with other pasture species may be inadvertently ingested. *S. madagascariensis* has been shown to retard the growth and development of cattle if eaten, and in some acute cases, can cause livestock mortality. In Africa, *S. inaequidens* alkaloids have been found in milk and bread and may have resulted in some lethal poisoning of humans. If either species were to become established in the United States, the United States may experience a loss in domestic and foreign grain, cattle, hay, and dairy markets due to toxic alkaloid contamination.

Because it forms dense populations of 5 to 15 plants per square meter (approximately 11 square feet), *S. inaequidens* can exert competitive pressure on native species, primarily through shading. Evidence suggests that it outcompetes some herbs. Therefore, it may have a negative impact on biodiversity, although this has not yet been tested.

The United States contains dozens of native species of *Senecio*, two of which are federally listed as threatened. These native species live in a variety of habitats, including those favorable to the establishment of *S. inaequidens* and *S. madagascariensis*. If *S. inaequidens* or *S. madagascariensis* become established in the United States, they would likely invade these habitats, threatening the existence of those species through competition or indirectly through hybridization. Many species of *Senecio* freely interbreed if they come in contact with each other.

Although mechanical and chemical control measures are available, they may not be easy to apply due to the often inaccessible habitats *S. inaequidens* and *S. madagascariensis* can occupy. In addition, such control measures are likely to be costly. In 1995, it is estimated that *S. madagascariensis* cost the Australian dairy industry AU $10 million per year in control and production costs.

The United States imports many commodities, such as uncleaned wool, on which seeds of *S. inaequidens* or *S. madagascariensis* could hitch-hike from countries in which these species are known to exist. It is highly likely that some contaminated shipments have already entered the United States given that the infestations of *S. madagascariensis* in Hawaii resulted from contaminated hydromulch that traveled through the Los Angeles ports from Australia. APHIS has not kept records of any interception of these species because neither species is listed as a Federal noxious weed. This is a concern for the agency because APHIS has no way of knowing how many shipments contaminated with *S inaequidens* or *S. madagascariensis* may have already entered the United States. Once the species do enter the United States, it is not clear how quickly they can acclimate to their new environment. If either *S. inaequidens* or *S. madagascariensis* were introduced into the United States in the near future, it could take a few years before the plants begin to spread far enough to be detected at which point the invasive species will already be established.

In addition, as *S. madagascariensis* is capable of interbreeding with *S. inaequidens* and some studies suggest that they may represent the same species, we have determined that *S. madagascariensis* poses as high of a risk of introduction into the United States as *S. inaequidens*. The introduction and establishment of *S. inaequidens* or *S. madagascariensis* in the United States

could lead to adverse impacts, such as reduced crop and livestock yield, lower commodity values, loss of foreign markets due to the presence of a quarantine pest, and costly chemical control programs. Therefore, we have determined that it is necessary, on an emergency basis, to amend the regulations in §§ 360.200 and 361.6 to list *S. inaequidens* and *S. madagascariensis* as noxious weeds in order to help prevent their artificial spread into the United States.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the introduction of *S. inaequidens* and *S. madagascariensis* into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We are amending the noxious weed and imported seed regulations by adding *S. inaequidens* (South African ragwort) and *S. madagascariensis* (Madagascar ragwort) to the list of terrestrial noxious weeds and to the list of seeds with no tolerances applicable to their introduction. This action which is necessary to prevent the artificial spread of these noxious weeds into the United States, is expected to have only minor, if any, economic effects on U.S. entities.

Neither South African ragwort nor Madagascar ragwort is used for ornamental, medicinal, or other purposes. As such, the introduction of either weed would provide no benefit to U.S. agriculture or other industries. The European and Mediterranean Plant Protection Organization has identified wool and wildflower seed mixes as potential pathways for the dissemination of *Senecio* spp. seeds. This interim rule, therefore, may result in additional costs for importers whose shipments of wildflower mixes are seized or whose wool shipments must be decontaminated due to contamination with *S. inaequidens* or *S. madagascariensis* seeds.

Importers of wool and wildflowers are classified as part of the wholesale trade sector in the North American Industry Classification System (NAICS). The wholesale trade sector is an integral part in the process of trading because it is an intermediate step in the distribution of merchandise. Both merchant wholesalers and import/export agents or brokers are classified in this sector.

The size distribution of merchant wholesalers that may be affected by the rule is unknown. However, it is reasonable to assume that most are small in size according to the U.S. Small Business Administration's standards. The small business size standard for entities classified under NAICS code 424590 (Other Farm Product Raw Material Merchant Wholesalers) is 100 or fewer employees. There are 43 raw wool wholesale trading establishments in the United States, for which trade of wool, wool tops, and mohair account for 73.3 percent of their total sales. Although no clear data exist to verify that these firms are small entities, the total average number of employees per establishment of other farm product raw material merchant wholesalers in 2002 was seven employees per firm. In 2004, the United States imported approximately 22.7 million pounds of wool, primarily from New Zealand and Australia. Madagascar ragwort is prevalent in Australia, where it has led to higher costs of production in the dairy, beef, and horse production sectors. Although the United States is a net importer of wool, imports declined by 10 percent in 2005, while exports increased by 17 percent, suggesting that domestic demand for wool has decreased from previous years.

The small business size standard for entities classified under NAICS code 424930 (Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers) is 100 or fewer employees. There are 4,816 flower, nursery stock, and florists' supplies wholesale trading establishments in the United States for which trade of flowers, nursery stock, and florists' supplies accounts for 100 percent of total sales. As with wool, no clear data exist to verify that these firms are small entities; however, the total average number of employees per establishment in this classification in 2002 was 12 employees per firm. In 2004, the United States imported approximately $700 million in fresh cut flowers and flower buds. The primary exporters of fresh cut flowers and flower buds to the United States were Colombia and Ecuador, while Mexico supplied approximately 4 percent of the United States' imports. The United States is a net importer of fresh cut flowers and flower buds. Imports increased by 16.4 percent in 2004, while exports declined by 19 percent.

While it is anticipated that the cost to some importers of wool and wildflowers may increase as a result of this interim rule, additional costs would be incurred if a shipment was found to be contaminated with South African ragwort or Madagascar ragwort. In the extreme, a shipment may have to be reexported or destroyed due to the presence of South African ragwort or Madagascar ragwort. The benefits of preventing the introduction and spread of either weed in the United States, however, are expected to outweigh any additional costs to importers. Furthermore, protecting against the introduction into and artificial spread within the United States of South African ragwort and Madagascar ragwort will positively affect small entities in the livestock, field crop, and nursery industries by preventing the need for costly chemical or other controls.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 360

Imports, Plants (Agriculture), Quarantine, Reporting and recordkeeping requirements, Transportation, Weeds.

7 CFR Part 361

Agricultural commodities, Imports, Labeling, Quarantine, Reporting and recordkeeping requirements, Seeds, Vegetables, Weeds.

■ Accordingly, we are amending 7 CFR parts 360 and 361 as follows:

PART 360—NOXIOUS WEED REGULATIONS

■ 1. The authority citation for part 360 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

§ 360.200 [Amended]

■ 2. In § 360.200, paragraph (c) is amended by adding, in alphabetical order, entries for "*Senecio inaequidens* DC. (South African ragwort)" and "*Senecio madagascariensis* Poir. (Madagascar ragwort)".

PART 361—IMPORTATION OF SEED AND SCREENINGS UNDER THE FEDERAL SEED ACT

■ 3. The authority citation for part 361 continues to read as follows:

Authority: 7 U.S.C. 1581–1610; 7 CFR 2.22, 2.80, and 371.3.

§ 361.6 [Amended]

■ 4. In § 361.6, paragraph (a)(1) is amended by adding, in alphabetical order, entries for "*Senecio inaequidens* DC." and "*Senecio madagascariensis* Poir."

Done in Washington, DC, this 14th day of June 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–9665 Filed 6–19–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20689; Directorate Identifier 2004–NM–197–AD; Amendment 39–14655; AD 2006–13–03]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 757 airplanes. This AD requires, for certain airplanes, reworking the spar bonding path and reapplying sealant; and, for certain other airplanes, testing the electrical bond between the engine fuel feed hose and the wing front spar and, if applicable, reworking the spar bonding path and reapplying sealant. This AD also requires, for all airplanes, an inspection to ensure the electrical bonding jumper is installed between the engine fuel feed tube and the adjacent wing station. This AD also requires operators that may have installed an incorrect O-ring to install the correct part and do a re-test. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent arcing or sparking at the interface between the bulkhead fittings of the engine fuel feed tube and the front spar during a lightning strike, which could provide a possible ignition source for the fuel vapor inside the fuel tank and result in a fuel tank explosion.

DATES: This AD becomes effective July 25, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 25, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tom Thorson, Aerospace Engineer, Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6508; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 757 airplanes. That supplemental NPRM was published in the **Federal Register** on April 4, 2006 (71 FR 16721). That supplemental NPRM proposed to require, for certain airplanes, reworking the spar bonding path and reapplying sealant; and, for certain other airplanes, testing the electrical bond between the engine fuel feed hose and the wing front spar and, if applicable, reworking the spar bonding path and reapplying sealant. That supplemental NPRM also proposed to require, for all airplanes, an inspection to ensure the electrical bonding jumper is installed between the engine fuel feed tube and the adjacent wing station. That supplemental NPRM also proposed to require operators that may have installed an incorrect O-ring to install the correct part and do a re-test.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request To Give Additional Credit for Original Issues of Service Bulletins

Boeing points out that the supplemental NPRM gives credit only for the actions in paragraph (h)(1) to operators who did the work in accordance with the original issue of Boeing Service Bulletins 757–28A0076 and 757–28A0077. (Boeing Service Bulletins 757–28A0076 and 757–28A0077, Revision 1, both dated October 20, 2005, were referenced as the appropriate source of service information for accomplishing the required actions.) Boeing states that the original issues of the service bulletins are also acceptable for compliance with the actions in paragraphs (g), (h)(2), and (i) of the supplemental NPRM. Boeing states that referring to paragraphs (g), (h)(2), and (i) would give credit for previous rework of the spar bonding path between the end fitting of the fuel hose and the front spar to meet the bonding resistance requirements and application of sealant to the end fitting of the fuel feed hose on the forward and aft sides of the front spar, and to the fitting and tube coupling on both sides of the dry bay wall, and previous inspection for installation of a bonding jumper in the tank.

We agree. The actions in paragraph (g), (h)(2), and (i) of the supplemental NPRM may be accomplished in accordance with the original issues of the service bulletins. We have revised paragraph (l) of the final rule to add a reference to paragraphs (g), (h)(2), and (i). In addition, the FAA notes that the actions in paragraph (j) of the final rule are still required to be done in accordance with Revision 1 of Boeing Service Bulletins 757–28A0076 and 757–28A0077.

Revised Service Bulletin Reference

Paragraph (l) of the supplemental NPRM gives the date of the original issue of Boeing Service Bulletins 757–28A0076 and 757–28A0077 as August 24, 2004. The actual date of the original issue of these service bulletins is August 27, 2004. We have revised paragraph (l) of the final rule to correct the date.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 1,040 airplanes of the affected design in the worldwide fleet. This AD affects about 700 airplanes of U.S. registry. The average labor rate is estimated to be $80 per work hour. Parts would be supplied from operator stock. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action/Airplanes affected	Work hours	Cost per airplane
Hose fitting and spar bonding rework and sealant application (Group 1 airplanes)	11	$880
Bonding test and sealant application (Group 2 airplanes that pass bonding test)	12	960
Bonding test, hose fitting and spar bonding rework and sealant application (Group 2 airplanes that fail bonding test)	18	1,440
Replace O-ring for airplanes that incorporated original release of the service bulletins	3	240

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–13–03 Boeing: Amendment 39–14655. Docket No. FAA–2005–20689; Directorate Identifier 2004–NM–197–AD.

Effective Date

(a) This AD becomes effective July 25, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 757–200, –200PF, and –200CB series airplanes as identified in Boeing Service Bulletin 757–28A0076, Revision 1, dated October 20, 2005; and Model 757–300 series airplanes as identified in Boeing Service Bulletin 757–28A0077, Revision 1, dated October 20, 2005; certificated in any category.

Unsafe Condition

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent arcing or sparking at the interface between the bulkhead fittings of the engine fuel feed tube and the front spar during a lightning strike, which could provide a possible ignition source for the fuel vapor inside the fuel tank and result in a fuel tank explosion.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Service Bulletin References

(f) The term "service bulletin(s)," as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable.

(1) For Model 757–200, –200CB, and –200PF series airplanes: Boeing Service Bulletin 757–28A0076, Revision 1, dated October 20, 2005.

(2) For Model 757–300 series airplanes: Boeing Service Bulletin 757–28A0077, Revision 1, dated October 20, 2005.

Hose Fitting and Spar Bonding Rework and Sealant Application

(g) For Group 1 airplanes as identified in the service bulletins: Within 60 months after the effective date of this AD, rework the spar bonding path between the end fitting of the fuel feed hose and the front spar, and apply sealant to the hose fitting on the forward and aft side of the front spar and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the applicable service bulletin.

Bonding Resistance Test

(h) For Group 2 airplanes as identified in the service bulletins: Within 60 months after the effective date of this AD, do a bonding resistance test between the fuel feed hose and the front spars of the left and right wings, in accordance with the service bulletins.

(1) If the test meets required resistance limits, before further flight, apply sealant to

the end fitting of the fuel feed hose on the aft side of the front spar and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the applicable service bulletin.

(2) If the test does not meet required resistance limits, before further flight, remove any existing sealant at the front spar; rework the spar bonding path between the end fitting of the fuel feed hose and the front spar to meet bonding resistance test requirements; and apply sealant to the end fitting of the fuel feed hose on the forward and aft sides of the front spar, and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the applicable service bulletin.

Inspection of Electrical Bonding Jumper

(i) For all airplanes as identified in the service bulletins: Within 60 months after the effective date of this AD, perform a general visual inspection and applicable corrective actions to ensure that an electrical bonding jumper is installed between the engine fuel feed tube and the adjacent wing station 285.65 rib in the left and right wing fuel tanks, in accordance with the applicable service bulletin.

Replacement of O-Ring and Test

(j) For airplanes on which the actions in paragraphs (g) or (h)(2) of this AD were done before the effective date of this AD in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–28A0076, dated August 27, 2004; and Boeing Alert Service Bulletin 757–28A0077, dated August 27, 2004; as applicable: Within 60 months after the effective date of this AD, replace the O-ring, part number (P/N) MS29513–330 with a new O-ring, P/N MS29513–328, and do a leak test before further flight after reassembly. Do all actions in accordance with Part B of the Accomplishment Instructions of the applicable service bulletin.

Exception to Accomplishment Instructions in Service Bulletins

(k) Although Boeing Service Bulletin 757–28A0076, Revision 1; and Boeing Service Bulletin 757–28A0077, Revision 1; both dated October 20, 2005, permit operator's equivalent procedures (OEP), this AD would require using the referenced airplane maintenance manuals, except that operators may use their own FAA-approved OEPs to drain the left and right engine fuel tubes, to drain and ventilate the fuel tanks, and to enter the fuel tanks.

Actions Accomplished in Accordance With Original Issues of Service Bulletins

(l) Actions done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 757–28A0076 and Boeing Alert Service Bulletin 757–28A0077, both dated August 27, 2004, are acceptable for compliance with the corresponding requirements of paragraphs (g), (h)(1), (h)(2), and (i) of this AD.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(n) You must use Boeing Service Bulletin 757–28A0076, Revision 1, dated October 20, 2005; or Boeing Service Bulletin 757–28A0077, Revision 1, dated October 20, 2005; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on June 9, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–5501 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24523; Directorate Identifier 2006–NM–057–AD; Amendment 39–14654; AD 2006–13–02]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain EMBRAER Model ERJ 170 airplanes. This AD requires inspecting for excess sealant applied to the attachment bolts of the negative pressure relief valve, and performing corrective actions if necessary. This AD results from reports that excess sealant was applied to the attachment bolts of the negative pressure relief valve, which interfered with the valve's movable diaphragm. We are issuing this AD to prevent incorrect operation of the negative pressure relief valve, which could result in negative pressures that exceed the structural strength limits of the airframe and lead to reduced structural integrity of the airplane.

DATES: This AD becomes effective July 25, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of July 25, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain EMBRAER Model ERJ 170 airplanes. That NPRM was published in the **Federal Register** on April 21, 2006 (71 FR 20593). That NPRM proposed to require inspecting for excess sealant applied to the attachment bolts of the negative pressure relief valve, and performing corrective actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. We received no

comments on the NPRM or on the determination of the cost to the public.

Clarification of Serial Number Range

To clarify the range of the serial numbers of the affected airplanes we have added the word "inclusive" to the applicability of the AD.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD will affect about 54 airplanes of U.S. registry. The required actions will take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of this AD for U.S. operators is $4,320, or $80 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–13–02 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–14654. Docket No. FAA–2006–24523; Directorate Identifier 2006–NM–057–AD.

Effective Date

(a) This AD becomes effective July 25, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to EMBRAER Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes, certificated in any category; having serial numbers 17000002 through 17000099 inclusive.

Unsafe Condition

(d) This AD results from reports that excess sealant was applied to the attachment bolts of the negative pressure relief valve, which interfered with the valve's movable diaphragm. We are issuing this AD to prevent incorrect operation of the negative pressure relief valve, which could result in negative pressures that exceed the structural strength limits of the airframe and lead to reduced structural integrity of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Inspection

(f) Within 700 flight hours after the effective date of this AD, perform a general visual inspection of the attachment bolts of the negative pressure relief valve for excess sealant and perform the applicable corrective actions, by accomplishing all applicable actions specified in the Accomplishment Instructions of EMBRAER Service Bulletin 170–21–0014, dated August 19, 2005. Corrective actions must be performed prior to further flight.

Note 1: For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(h) Brazilian airworthiness directive 2005–12–05, dated January 19, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(i) You must use EMBRAER Service Bulletin 170–21–0014, dated August 19, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Issued in Renton, Washington, on June 9, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–5500 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24073; Directorate Identifier 2002–NM–272–AD; Amendment 39–14653; AD 2006–13–01]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727–200 Series Airplanes Equipped With a No. 3 Cargo Door

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 727–200 series airplanes. That AD currently requires initial and repetitive inspections for cracks in the forward frame of the No. 3 cargo door cutout; and corrective actions, if necessary. The existing AD also provides for an optional structural modification, which terminates the repetitive inspections. This new AD reduces the compliance time for the initial inspections and adds an optional method of inspection for both the initial and repetitive inspections. This AD also adds initial and repetitive inspections of an additional area, and repair if necessary. Additionally, this AD clarifies that the previously optional structural modification is now required by other rulemaking. This AD results from additional reports of cracking in the forward frame of the No. 3 cargo door cutout. We are issuing this AD to detect and correct cracking of the forward frame and fuselage skin of the No. 3 cargo door cutout, which could result in failure of the frame and skin, and consequent rapid decompression of the airplane.

DATES: This AD becomes effective July 25, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 25, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Daniel F. Kutz, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6456; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 86–17–05 R1, amendment 39–5714 (52 FR 32534, August 28, 1987). The existing AD applies to certain Boeing Model 727–200 series airplanes. That NPRM was published in the **Federal Register** on March 7, 2006 (71 FR 11345). That NPRM proposed to continue to require initial and repetitive inspections for cracks in the forward frame of the No. 3 cargo door cutout; and corrective actions, if necessary. That NPRM proposed to reduce the compliance time for the initial inspections and add an optional method of inspection for both the initial and repetitive inspections. That NPRM also proposed to add initial and repetitive inspections of an additional area, and repair if necessary. Additionally, that NPRM clarified that the previously optional structural modification is now required by other rulemaking.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been received on the NPRM.

Request for Clarification of Certain Language

Boeing requests that certain language be added to the Actions Since Existing AD was Issued section of the NPRM to clarify that the forward frame is the subject of the findings and that the skin and doubler in the area are also involved as an area of concern.

We agree that adding the suggested language would clarify the location of the subject unsafe condition (i.e., the forward frame of the No. 3 cargo door cutout, along with the surrounding skin and doubler). However, because that section of the NPRM is not restated in the final rule, we find that no change to the AD is necessary in this regard.

Request To Correct AD Number in Restatement of Requirements Heading

Boeing points out that there is a typographical error in the AD number identified in the "REQUIREMENTS OF AD 86–17–05 R1 WITH REDUCED THRESHOLD AND NEW OPTIONAL INSPECTION METHOD:" heading in the regulatory text of the NPRM, and requests that the error, "AD 86–17–05 RL," be corrected to read "AD 86–17–05 R1."

We agree. We have verified that an error did occur in the AD number in that heading during printing of the NPRM. That AD number is correct in this final rule.

Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 269 airplanes of the affected design in the worldwide fleet. The new requirements of this AD add no additional economic burden. The current costs for U.S. operators to comply with this AD are repeated for the convenience of affected operators, as follows:

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts cost	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspections (required by AD 86–17–05 RI), per inspection cycle.	6	$65	None	$390, per inspection cycle	166	$64,740, per inspection cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–5714 (52 FR 32534, August 28, 1987) and by adding the following new airworthiness directive (AD):

2006–13–01 Boeing: Amendment 39–14653. Docket No. FAA–2006–24073; Directorate Identifier 2002–NM–272–AD.

Effective Date

(a) This AD becomes effective July 25, 2006.

Affected ADs

(b) This AD supersedes AD 86–17–05 R1.

Applicability

(c) This AD applies to Boeing Model 727–200 series airplanes, certificated in any category, equipped with a No. 3 cargo door, as identified in Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986.

Unsafe Condition

(d) This AD results from additional reports of cracking in the forward frame of the No. 3 cargo door cutout. We are issuing this AD to detect and correct cracking of the forward frame and fuselage skin of the No. 3 cargo door cutout, which could result in failure of the frame and consequent rapid decompression of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Requirements of AD 86–17–05 R1 With Reduced Threshold and New Optional Inspection Method

Inspections

(f) At the earlier of the times specified in paragraphs (f)(1) and (f)(2) of this AD: Do a penetrant or detailed inspection of the forward frame of the No. 3 cargo door cutout for cracking, in accordance with paragraph C. of the Accomplishment Instructions of Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986. After the effective date of this AD, the penetrant or detailed inspection must be done in accordance with paragraph 3.B.3. of the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002. If any cracking is found, repair in accordance with paragraph (h) or (l) of this AD, as applicable. Repeat the inspection at intervals not to exceed 2,200 flight cycles, until the preventative modification specified in paragraph (n) of this AD is done.

(1) Within the next 300 flight cycles after September 3, 1987 (the effective date of AD 86–17–05 R1), or prior to accumulating 29,000 total flight cycles, whichever occurs later, unless accomplished within the last 1,900 flight cycles.

(2) Prior to accumulating 18,000 total flight cycles, or within 2,200 flight cycles after the effective date of this AD, whichever occurs later.

(g) At the earlier of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Do a detailed inspection of the forward frame of the No. 3 cargo door cutout for cracking, in accordance with paragraphs D. and E. of the Accomplishment Instructions of Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986. After the effective date of this AD, the detailed inspection must be done in accordance with paragraphs 3.B.4. and 3.B.5. of the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002. If any cracking is found, repair in accordance with paragraph (h) or (l) of this AD, as applicable. Repeat the inspection at intervals not to exceed 2,200 flight cycles, until the preventative modification specified in paragraph (n) of this AD is done.

(1) Within the next 300 flight cycles after September 3, 1987, or prior to accumulating 35,000 total flight cycles, whichever occurs later, unless accomplished within the last 1,900 flight cycles.

(2) Prior to accumulating 18,000 total flight cycles, or within 2,200 flight cycles after the effective date of this AD, whichever occurs later.

Repair

(h) Before further flight, repair any crack in the forward frame of the No. 3 cargo door cutout found before the effective date of this AD during any inspection required by paragraph (f) or (g) of this AD, in accordance with paragraph G. of the Accomplishment

Instructions in Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986. Repeat the inspections specified in paragraphs (f) and (g) of this AD at intervals not to exceed 2,200 flight cycles, for all areas of the forward frame not covered by the repair, in accordance with the Accomplishment Instructions of paragraphs C., D., and E. of Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986.

New Requirements of This AD

Inspection of Repairs of the Frame Done Before the Effective Date of the AD

(i) For any repair to the forward frame of the No. 3 cargo door cutout done, as required by paragraph (h) of this AD, before the effective date of this AD: Within 18,000 flight cycles following the repair, or 2,200 flight cycles after the effective date of this AD, whichever occurs later, do a detailed inspection of the repair for cracking in accordance with the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002. Thereafter, repeat the inspection at intervals not to exceed 2,200 flight cycles, until the preventative modification specified in paragraph (n) of this AD is done.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

New Inspections of Skin Surrounding the Frame

(j) Prior to the accumulation of 18,000 total flight cycles, or within 2,200 flight cycles after the effective date of this AD, whichever occurs later: Do a penetrant or detailed inspection for cracking of the fuselage skin of the No. 3 cargo door cutout between stringers S–24 and S–27, in accordance with paragraph 3.B.3. of the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002. Repeat the inspection at intervals not to exceed 2,200 flight cycles, until the preventative modification specified in paragraph (n) of this AD is done.

Repair of Cracked Skin

(k) If any crack is found in the fuselage skin during any inspection required by paragraph (j) of this AD: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

Repair of Cracked Frames and Post—Repair Inspections

(l) If, after the effective date of this AD, any crack is found in the forward frame of the No. 3 cargo door cutout during any inspection required by paragraph (f), (g), or (i) of this AD: Before further flight, do the actions specified in paragraph (l)(1), (l)(2), or (l)(3) of this AD, as applicable. Inspect the repair within 18,000 flight cycles following the repair, in accordance with paragraphs 3.B.4. and 3.B.5. of the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002. Thereafter, repeat the inspections at intervals not to exceed 2,200 flight cycles, until the preventative modification specified in paragraph (n) of this AD is done.

(1) If cracks have not severed the inner flange, do an interim repair using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(2) Repair the crack in accordance with paragraph 3.B.7.b. of the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002.

(3) Replace the cracked segment of the frame with a new or serviceable component and install the frame reinforcement preventative modification, in accordance with paragraph 3.B.7.c. of the Accomplishment Instructions of Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002. This action terminates the requirements of this AD.

Repairs Done According to Previous Issues of the Service Bulletin

(m) Inspections and repairs done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986; Boeing Service Bulletin 727–53A0169, Revision 3, dated June 11, 1987; Revision 4, dated January 21, 1988; and Revision 5, dated November 2, 1989, are acceptable for compliance with the corresponding requirements of paragraphs (h), (k), and (l) of this AD, as applicable.

Terminating Modification Required by AD 90–06–09

(n) At the same time as the applicable inspections provided in paragraphs (f), (g), (i), and (j) of this AD are accomplished, doing the frame reinforcement preventative modification required by paragraph A. of AD 90–06–09 or the frame reinforcement preventative modification specified in Figure 2 of Boeing Service Bulletins 727–53A0169, Revision 5, dated November 2, 1989; and Revision 6, dated September 28, 2002; terminates the requirements of this AD. Paragraph A. of AD 90–06–09 references Boeing Document D6–54860, Revision C, dated December 11, 1989, "Aging Airplane Structural Modification Program—Model 727" as the appropriate source of service information for accomplishing the frame reinforcement preventative modification (along with numerous other structural modifications required by paragraph A. of AD 90–06–09).

Information Submission

(o) Although the service bulletins referenced in this AD specify to submit certain information to the manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(p)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) An AMOC approved previously in accordance with AD 86–17–05 R1, is approved as an AMOC with the corresponding requirements and provisions of this AD.

Material Incorporated by Reference

(q) You must use Boeing Alert Service Bulletin 727–53A0169, Revision 2, dated May 23, 1986; or Boeing Service Bulletin 727–53A0169, Revision 6, dated September 28, 2002; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Boeing Alert Service Bulletin 727–53A0169, Revision 2, contains the following effective pages:

Page number	Revision level shown on page	Date shown on page
1, 3–16	2	May 23, 1986.
2	1	March 28, 1986.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Issued in Renton, Washington, on June 9, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–5498 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 060131020–6152–02]

RIN 0691–AA57

Direct Investment Surveys: BE–577, Direct Transactions of U.S. Reporter With Foreign Affiliate

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends regulations of the Department of Commerce, Bureau of Economic Analysis (BEA), for the quarterly BE–577, Direct Transactions of U.S. Reporter With Foreign Affiliate.

The BE–577 survey is conducted quarterly and is a sample survey that obtains data on transactions and positions between U.S.-owned foreign business enterprises and their U.S. parents. To address the current needs of data users while at the same time keeping the respondent burden as low as possible, BEA is modifying, adding, or deleting items on the survey form and in the reporting criteria. The changes will bring the BE–577 form and related instructions into conformity with the 2004 BE–10, Benchmark Survey of U.S. Direct Investment Abroad and will exclude data that have recently begun to be collected on other Government surveys.

DATES: This final rule will be effective July 20, 2006.

FOR FURTHER INFORMATION CONTACT: Obie G. Whichard, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9890 or e-mail (*obie.whichard@bea.gov*).

SUPPLEMENTARY INFORMATION: In the March 1, 2006, **Federal Register**, 71 FR 10454, BEA published a notice of proposed rulemaking setting forth revised reporting requirements for the BE–577, Direct Transactions of U.S. Reporter With Foreign Affiliate. No comments on the proposed rule were received. Thus, the proposed rule is adopted without change. This final rule amends 15 CFR 806.14 to set forth the reporting requirements for the BE–577, Direct Transactions of U.S. Reporter With Foreign Affiliate.

Description of Changes

The BE–577, Direct Transactions Of U.S. Reporter With Foreign Affiliate, is a mandatory survey and is conducted quarterly by BEA under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108). BEA will send BE–577 survey forms to potential respondents each quarter; responses will be due within 30 days after the close of each fiscal quarter, except for the final quarter of the fiscal year, when reports will be due within 45 days.

The final rule increases the exemption level for reporting on the BE–577 from $30 million to $40 million. The exemption level is stated in terms of the foreign affiliate's assets, sales, and net income.

In addition to the change in the reporting criteria mentioned above, BEA is introducing a few changes to the survey form and instructions. BEA is: (1) Revising the survey form and instructions to bring them into conformity with the most recent BE–10 benchmark survey instructions for reporting capital gains and losses; (2) collecting information on payments to and receipts from foreign affiliates for interest, royalties and license fees and other private services gross of any taxes withheld to align reporting of these items with current international statistical standards for balance of payments accounts (previously, this information was collected net of taxes withheld); (3) modifying the survey instructions to indicate that positions and transactions in financial derivatives contracts that are reported on or derived from the Treasury Department's recently instituted International Capital Form D, Report of Holdings of, and Transactions in, Financial Derivatives Contracts with Foreign Residents should be excluded from BE–577 reports; and (4) removing the requirement for reporting certain affiliated insurance transactions that have been problematic to collect on the BE–577. BEA plans to move the reporting requirement for these transactions to specialized services surveys that BEA conducts in the near future.

Survey Background

BEA will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, "the Act." Title 22 United States Code, Section 3103(a)(1) of the Act requires that with respect to United States direct investment abroad, the President shall conduct a data collection program to obtain current information on international capital flows and other information related to international investment and trade in services including information that may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, the President delegated authority granted under the Act as concerns direct investment to the Secretary of Commerce, who has redelegated it to BEA. The quarterly survey of U.S. direct investment abroad is a sample survey that covers all foreign affiliates above a size-exemption level. The survey collects data on transactions and positions between U.S.-owned foreign business enterprises and their U.S. parents. The sample data are used to derive quarterly universe estimates from similar data reported in the BE–10, Benchmark Survey of U.S. Direct Investment Abroad, which is taken every five years. The data are used in the preparation of the U.S. international transactions accounts, input-output accounts, and national income and product accounts. The data are needed to measure the size and economic significance of U.S. direct investment abroad, measure changes in such investment, and assess its impact on the U.S. and foreign economies. The data are disaggregated by country and industry of foreign affiliate.

Executive Order 12866

This final rule has been determined to be not significant for purposes of E. O. 12866.

Executive Order 13132

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 13132.

Paperwork Reduction Act

The collection-of-information in this final rule has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA).

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number. The OMB control number for the BE–577 is 0608–0004; the collection will display the number.

The survey is expected to result in the filing of about 13,500 foreign affiliate reports by an estimated 1,500 U.S. parent companies. The respondent burden for this collection of information

is estimated to vary from 0.5 hour to 4 hours per response, with an average of 1.25 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Because reports are filed 4 times per year, 54,000 responses annually are expected. Thus, the total annual respondent burden of the survey is estimated at 67,500 hours (13,500 respondents times 4 times 1.25 hours average burden). This estimate is the same as the burden hours currently carried for this collection in the OMB inventory.

Comments regarding the burden estimate or any other aspect of this collection of information should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230, fax: 202–606–5311; and the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0004, Attention PRA Desk Officer for BEA, via the Internet at *pbugg@omb.eop.gov*, or by fax at 202–395–7245.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding the economic impact of the rule. As a result, no final regulatory flexibility analysis was prepared.

List of Subjects in 15 CFR Part 806

International transactions, Economic statistics, U.S. investment abroad, Penalties, Reporting and recordkeeping requirements.

Dated: May 26, 2006.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

■ For the reasons set forth in the preamble, BEA is amending 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

■ 1. The authority citation for 15 CFR part 806 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp., p. 173); E.O. 12518 (3 CFR, 1985 Comp., p. 348).

§ 806.14 [Amended]

■ 2. Section 806.14 (e) is amended by removing "$30,000,000" and adding "$40,000,000" in its place.

[FR Doc. E6–9608 Filed 6–19–06; 8:45 am]
BILLING CODE 3510–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[Docket No. DoD–2006–HA–0143]

RIN 0720–0057

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/ TRICARE; Coverage of Phase II and Phase III Clinical Trials Sponsored by the National Institutes of Health National Cancer Institute

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The final rule allows the Department of Defense to waive normal requirements so that covered beneficiaries can participate in Phase II and Phase III clinical trials sponsored or approved by the National Institutes of Health National Cancer Institute (NIH NCI). This waiver authority is expected to promote beneficiary access to promising new treatments and contribute to the development of such treatments.

DATES: This rule is effective July 20, 2006.

ADDRESSES: TRICARE Management Activity (TMA), Medical Benefits and Reimbursement System, 16301 East Centretech Parkway, Aurora, CO 80011–9066

FOR FURTHER INFORMATION CONTACT: Debra Hatzel, Medical Benefits and Reimbursement Systems, TMA, telephone (303) 676-3572. Questions regarding payment of specific claims under TRICARE should be addressed to the appropriate TRICARE contractor.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule implements Title 10, United States Code, section 1079(a)(13) which provides for a waiver of the general prohibition on coverage of unproven medical treatments or procedures in connection with clinical trials sponsored or approved by the National Institutes of Health National Cancer Institute. This waiver is contingent upon the Secretary of Defense's determination that a waiver will promote access to promising new treatments and contribute to the development of such treatments. Based on the improved beneficiary access to these trials, and the contributions to the development of such treatments, it is in the best interest of the Department and its beneficiaries to continue to provide access through an authorized waiver as outlined in the proposed rule.

Clinical trials are the major avenue for discovering, developing, and evaluating new cancer therapies, and clinical trial participants are among the first to receive new cancer prevention or treatment methods before they are widely available. Many significant medical discoveries in this field have occurred as a direct result of clinical trial participation. For example, because of survival improvements seen in an NCI-sponsored clinical trial, early initiation of hormonal therapy has become the standard of care in node-positive prostrate cancer patients. Even when they do not lead to new therapies, clinical trials often answer important questions and help move research forward so that others may prevent or survive this disease.

Cancer treatment trials may include testing new drugs, new approaches to surgery or radiation therapy, new combinations of treatments, or new methods such as gene therapy. Studies that involve drugs or invasive procedures are categorized by phase. Phase I trials evaluate new cancer drugs to determine what dose is safe, how a new agent should be administered (by mouth, injected into a vein, or injected into the muscle), and how frequently the treatment should be given. After safety parameters have been established, Phase II trials are conducted to assess the effectiveness of an agent or intervention against a specific type of cancer. Phase III trials compare effective treatments from Phase II studies to conventional cancer treatments. Clinical trials offer high quality care for cancer prevention and treatment, and no patient ever receives a placebo (substance with active ingredients) when effective care exists.

The Department of Defense (DoD) and the National Cancer Institute (NCI) established a partnership in 1994 to conduct a demonstration project that allowed patients with breast cancer to participate in NCI-sponsored bone marrow transplant clinical trials. This demonstration project expanded in 1996 to include all cancers and NCI-sponsored Phase II and III cancer treatment clinical trials. The DoD–NCI demonstration partnership was further

expanded on June 21, 1999 to include clinical trials related to prevention, screening and early detection of cancer. Because of the inherent safety risks and unproven clinical benefits associated with toxicology studies, Phase I clinical trials were not included in this demonstration.

Between January 1996 and July 2004, approximately 350 TRICARE beneficiaries have participated in NCI-approved clinical trials conducted in doctors' offices, community hospitals and clinics, cancer centers, other medical centers, and veterans' and military hospitals across the United States. Healthcare costs for the DoD–NCI demonstration have ranged from $5.8 million to $16 million per year, and research has indicated that patient-care costs associated with cancer clinical trials are only slightly higher than the costs associated with treating similar patients outside of trials.

The Department of Defense hopes that his permanent benefit will heighten the awareness among our cancer patients that clinical trials are a promising treatment option and encourage them to consider Phase II and Phase III clinical trial participation. Participation in clinical trials related to prevention, screening, and early detection of cancer will contribute to the growing base of medical knowledge in these areas and may lead to more effective treatments in the future. Phase I trials will continue to be excluded from coverage; also, TRICARE will continue to deny coverage for any items or services that are already covered under the investigational protocol. Only those supplies and services that TRICARE otherwise would have covered during the normal course of treatment (to include costs for screening tests to determine clinical trial eligibility) will be eligible for cost-sharing. This continues the coverage policy which was previously established for the DoD–NCI cancer trials demonstration.

This final rule was previously published in the **Federal Register** on January 31, 2001 (66 FR 8365–8366). The rule was withdrawn on February 7, 2001 (66 FR 9199) because it was determined that it should not have been published in accordance with the Regulatory Review Plan. We are reissuing this final rule with only minor changes ("CHAMPUS" changed to "TRICARE" where appropriate; minor changes to paragraph numbers to reflect current regulations); however, we are repeating the entire final rule here for the benefit of the public.

II. Public Comments

The proposed rule was published in the **Federal Register** on May 31, 2000 (65 FR 34627). No public comments were received. The final rule is consistent with the proposed rule.

III. Regulatory Procedures

Executive Order (EO) 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one which would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts. This is not a significant regulatory action under EO 12866 and has been reviewed by the Office of Manpower and Budget.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. We certify that this final rule will not significantly affect a substantial number of small entities.

This final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 55).

List of Subjects in 32 CFR Part 199

Administrative practice and procedure, Claims, Fraud, Healthcare, Health insurance, Military personnel.

■ Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

■ 2. Section 199.4 is amended by adding new paragraph (e)(26) and revising paragraph (g)(15) introductory text to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(e) * * *

(26) *National Institutes of Health clinical trials.* By law, the general prohibition against CHAMPUS cost-sharing of unproven drugs, devices, and medical treatments or procedures may be waived in connection with clinical trials sponsored or approved by the National Institutes of Health National Cancer Institute if it is determined that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments. A waiver shall only be exercised as authorized under this paragraph.

(i) *Demonstration waiver.* A waiver may be granted through a demonstration project established in accordance with Sec. 199.1(o) of this part.

(ii) *Continuous waiver.* (A) *General.* As a result of a demonstration project under which a waiver has been granted in connection with a National Institutes of Health National Cancer Institute clinical trial, a determination may be made that it is in the best interest of the government and CHAMPUS beneficiaries to end the demonstration and continue to provide a waiver for CHAMPUS cost-sharing of the specific clinical trial. Only those specified clinical trials identified under paragraph (e)(26)(ii) of this section have been authorized a continuous waiver under CHAMPUS.

(B) *National Cancer Institute (NCI) sponsored cancer prevention, screening, and early detection clinical trials.* A continuous waiver under paragraph (e)(26) of this regulation has been granted for CHAMPUS cost-sharing for those CHAMPUS-eligible patients selected to participate in NCI sponsored Phase II and Phase III studies for the prevention and treatment of cancer.

(*1*) TRICARE will cost-share all medical care and testing required to determine eligibility for an NCI-sponsored trial, including the evaluation for eligibility at the institution conducting the NCI-sponsored study. TRICARE will cost-share all medical care required as a result of participation in NCI-sponsored studies. This includes purchasing and administering all approved chemotherapy agents (except for NCI-funded investigational drugs), all inpatient and outpatient care, including diagnostic and laboratory services not otherwise reimbursed under an NCI grant program if the following conditions are met:

(*i*) The provider seeking treatment for a CHAMPUS-eligible patient in an NCI approved protocol has obtained pre-authorization for the proposed treatment before initial evaluation; and,

(*ii*) Such treatments are NCI sponsored Phase II or Phase III protocols; and,

(*iii*) The patient continues to meet entry criteria for said protocol; and,

(*iv*) The institutional and individual providers are CHAMPUS authorized providers.

(*2*) TRICARE will not provide reimbursement for care rendered in the National Institutes of Health Clinical

Center or costs associated with non-treatment research activities associated with the clinical trials.

(3) Cost-shares and deductibles applicable to CHAMPUS will also apply under the NCI-sponsored clinical trials.

(4) The Director, TRICARE (or designee), shall issue procedures and guidelines establishing NCI-sponsorship of clinical trials and the administrative process by which individual patients apply for and receive cost-sharing under NCI-sponsored cancer clinical trials.

(g) * * *

(15) *Unproven drugs, devices, and medical treatments or procedures.* By law, CHAMPUS can only cost-share medically necessary supplies and services. Any drug, device, or medical treatment or procedure, the safety and efficacy of which have not been established, as described in this paragraph (g)(15), is unproved and cannot be cost-shared by CHAMPUS except as authorized under paragraph 199.4(e)(26) of this part.

* * * * *

Dated: June 9, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–5432 Filed 6–19–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–06–074]

RIN 1625–AA09

Drawbridge Operation Regulations; Welch Causeway (SR 699) Bridge, Gulf Intracoastal Waterway, Mile 122.8, Madeira Beach, Pinellas County, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the regulations governing the operation of the Welch Causeway (SR 699) Bridge, Gulf Intraçoastal Waterway mile 122.8, Madeira Beach, Pinellas County, Florida. This rule is needed to provide vehicular traffic relief during heavy vehicular traffic periods as well as meeting the reasonable needs of mariners during the construction of nearby bridges. This bridge will open on the hour and half hour, Friday, 2 p.m. until 6 p.m., Saturday, Sunday and Federal holidays from 10 a.m. until 6 p.m. until October 29, 2006.

DATES: This rule is effective from June 20, 2006 until October 29, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD07–06–074 and are available for inspection or copying at Commander (dpb), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 432, Miami, FL 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415–6743.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NRPM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM was impracticable and contrary to the public interest, because the rule is needed to provide for vehicular traffic relief during construction of bridges and provides provisions for vessels to transit through the area on a twice an hour schedule during heavy vehicular traffic periods.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after **Federal Register** publication. This rule provides for scheduled bridge openings for vessels to transit through the bridge.

Background and Purpose

The Welch Causeway (SR 699) bridge, Gulf Intracoastal Waterway mile 122.8, Madeira Beach, Pinellas County, Florida currently opens on signal; except that, from 9:30 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour. This bridge is in close proximity to other bridges currently under construction. The bridge provides vehicular access on and off the coastal barrier islands.

Florida State Representative Rice's office, on behalf of the citizens of Madeira Beach, requested the Coast Guard change the current operation of the bridge to two openings per hour during certain periods, while other bridge construction projects were underway. The bridge will be required to only open on the hour and half-hour Fridays from 2 p.m. until 6 p.m. and Saturdays, Sundays and Federal holidays from 10 a.m. until 6 p.m. Public vessels of the United States, tugs with tows and vessels in distress shall be passed as necessary.

Discussion of Rule

The regulation was requested by Florida Representative Rice's office on behalf of the residents of Madeira Beach and will provide temporary relief for vehicular traffic while other bridge construction projects are underway, while continuing to provide for the reasonable needs of navigation. The bridge will be required to only open on the hour and half-hour on Fridays from 2 p.m. until 6 p.m. and on Saturdays, Sundays and Federal holidays from 10 a.m. until 6 p.m. The draw shall open as necessary for the passage of tugs with tows, public vessels of the United States and vessels in distress.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary, because the rule will allow for bridge openings during the construction of nearby bridges.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities, because the regulations provide for bridge openings, and for the reasonable needs of navigation.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule would affect your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in the preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order, because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Public Law 102–587, 106 Stat. 5039.

■ 2. From 2 p.m. on June 20, 2006, through 6 p.m. on October 29, 2006, § 117.287(h) is suspended and new paragraph (l) is added to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(l) The draw of the Welch Causeway (SR 699) bridge, mile 122.8 at Madeira Beach shall open on signal; except that from 2 p.m. to 6 p.m. on Fridays, and from 10 a.m. to 6 p.m. on Saturday, Sunday and Federal holidays, the draw need be opened only on the hour and half-hour. Public vessels of the United States, tugs with tows and vessels in distress shall be passed as necessary.

Dated: June 12, 2006.

D.W. Kunkel,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. E6–9663 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–014]

RIN 1625–AA87

Security Zone; Georgetown Channel, Potomac River, Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone on the waters of the upper Potomac River. This action is necessary to provide for the security of a large number of visitors to the annual July 4th celebration on the National Mall in Washington, DC. The security zone will allow for control of a designated area of the river and safeguard spectators and high-ranking officials.

DATES: This rule is effective from 12:01 a.m. to 11:59 p.m. local time on July 4, 2006.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–06–014 and are available for inspection or copying at Coast Guard Sector Baltimore, Waterways Management Division, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Houck, at Coast Guard Sector Baltimore, Waterways Management Division, at telephone number (410) 576–2674 or (410) 576–2693.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 3, 2006, we published a notice of proposed rulemaking (NPRM) entitled "Security Zone; Georgetown Channel, Potomac River, Washington, D.C." in the **Federal Register** (71 FR 16531). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Immediate action is needed to protect the public from waterborne acts of sabotage or terrorism. Any delay in the effective date of this rule is impractical and contrary to the public interest.

Background and Purpose

Due to increased awareness that future terrorist attacks are possible, the Coast Guard as lead federal agency for maritime homeland security, has determined that the Captain of the Port Baltimore must have the means to be aware of, deter, detect, intercept, and respond to asymmetric threats, acts of aggression, and attacks by terrorists on the American homeland while still maintaining our freedoms and sustaining the flow of commerce. This security zone is part of a comprehensive port security regime designed to safeguard human life, vessels, and waterfront facilities against sabotage or terrorist attacks.

In this particular rulemaking, to address the aforementioned security concerns, and to take steps to prevent the catastrophic impact that a terrorist attack against a large number of spectators and high-ranking officials during the annual July 4th celebration would have on the public interest, the Coast Guard is establishing a security zone upon all waters of the Georgetown Channel of the Potomac River, from the surface to the bottom, 75 yards from the eastern shore measured perpendicularly to the shore, between the Long Railroad Bridge (the most eastern bridge of the 5-span, Fourteenth Street Bridge Complex) to the Theodore Roosevelt Memorial Bridge and all waters in between, totally including the waters of the Georgetown Channel Tidal Basin.

This security zone will help the Coast Guard to prevent vessels or persons from engaging in terrorist actions against a large number of spectators and high-ranking officials during the annual July 4th celebration. Due to these heightened security concerns, and the catastrophic impact a terrorist attack on the National Mall in Washington, DC, during the annual July 4th celebration would have on the large number of spectators and high-ranking officials, and the surrounding area and communities, a security zone is prudent for this type of event.

Discussion of Comments and Change

The Coast Guard received no comments on the proposed rule during the comment period published in the NPRM. No public meeting was requested and none was held. As a result, no change to the proposed regulatory text was made.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This security zone will encompass only a small portion of the waterway and vessels or persons may be allowed to enter this zone with permission of the Captain of the Port, Baltimore, Maryland.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Potomac River (including the waters of the Georgetown Channel Tidal Basin) from 12:01 a.m. to 11:59 p.m. on July 4, 2006.

This security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for twenty-four hours and the security zone will only apply to 75 yards of the Potomac River (from the eastern shore measured perpendicularly to the shore), and not the entire width of the river. Smaller vessels not constrained by their draft, which are more likely to be small entities, may safely transit around the security zone. Additionally, before the effective period, the Coast Guard will issue maritime advisories widely available to users of the river to allow mariners to make alternative plans for transiting the affected areas. Because the zone is of limited size, it is expected that there will be minimal disruption to the maritime community.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they

could better evaluate its effects on them and participate in the rulemaking process. However, we received no requests for assistance from any small entities.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g.), of the Instruction, from further environmental documentation. This regulation establishes a security zone. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–014 to read as follows:

§ 165.T05–014 Security Zone; Georgetown Channel, Potomac River, Washington, DC.

(a) *Definitions.* For purposes of this section, *Captain of the Port, Baltimore, Maryland* means the Commander, Coast Guard Sector Baltimore, Maryland or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Baltimore, Maryland to act on his or her behalf.

(b) *Location.* The following area is a security zone: All waters of the Georgetown Channel of the Potomac River, from the surface to the bottom, 75 yards from the eastern shore measured perpendicularly to the shore, between the Long Railroad Bridge (the most eastern bridge of the 5-span, Fourteenth Street Bridge Complex) to the Theodore Roosevelt Memorial Bridge and all waters in between, totally including the waters of the Georgetown Channel Tidal Basin.

(c) *Regulations.* (1) The general regulations governing security zones, found in § 165.33 of this part, apply to the security zone described in paragraph (b) of this section.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(3) Persons or vessels requiring entry into or passage through the security zone must first request authorization from the Captain of the Port, Baltimore to seek permission to transit the area. The Captain of the Port, Baltimore, Maryland can be contacted at telephone number (410) 576–2693. The Coast Guard vessels enforcing this section can

be contacted on VHF Marine Band Radio, VHF channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, Baltimore, Maryland and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(d) *Effective period.* This section will be effective from 12:01 a.m. through 11:59 p.m. local time on July 4, 2006.

Dated: June 9, 2006.

Brian D. Kelley,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. E6–9659 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–15–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1253

[NARA–06–0004]

RIN 3095–AB50

NARA Facility Locations and Hours

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: NARA is revising its regulations on the locations and hours of NARA facilities to reflect the relocation of two facilities in the past fiscal year. This final rule will affect the public.

DATES: *Effective Date:* Effective June 20, 2006.

FOR FURTHER INFORMATION CONTACT: Laura McCarthy at 301–837–3023.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the May 12, 2006, **Federal Register** (71 FR 27653) for a 30-day comment period. Notification of user groups occurred following publication of the proposed rule.

NARA received no comments on the proposed rule and therefore is issuing the final rule with no changes.

This rule is effective upon publication for "good" cause as permitted by Administrative Procedure Act (5 U.S.C. 553(d)(3)). NARA believes that delaying the effective date for 30 days is unnecessary as this rule represents minor technical amendments. Moreover, as the public benefits immediately with correct addresses and hours for the relocated NARA facilities, any delay in the effective date would be contrary to the public interest.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because this rule applies to agencies and individual researchers. This regulation does not have any federalism implications. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking.

List of Subjects in 36 CFR Part 1253

Archives and records.

■ For the reasons set forth in the preamble, NARA amends part 1253 of title 36, Code of Federal Regulations, as follows:

PART 1253—LOCATIONS OF RECORDS AND HOURS OF USE

■ 1. The authority citation for part 1253 continues to read as follows:

Authority: 44 U.S.C. 2104(a).

■ 2. Amend § 1253.6 by revising paragraph (d) and (l) to read as follows:

§ 1253.6 Records centers.

* * * * *

(d) NARA—Southeast Region (Atlanta) is located at 4712 Southpark Blvd., Ellenwood, GA 30294. The hours are 7:30 a.m. to 3 p.m., Monday through Friday. The telephone number is 404–736–2820.

* * * * *

(l) NARA—Pacific Region (Riverside) is located at 23123 Cajalco Road, Perris, CA 92570–7298. The hours are 8:45 a.m. to 3 p.m., Monday through Friday for scheduled appointments. The telephone number is 951–956–2000.

* * * * *

Dated: June 14, 2006.

Allen Weinstein,

Archivist of the United States.

[FR Doc. E6–9645 Filed 6–19–06; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW–FRL–8185–4]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Removal of final rule.

SUMMARY: The Environmental Protection Agency (EPA) is removing its final rule to grant a petition submitted by Tokusen U.S.A, Inc. to exclude (or delist) a certain F006 filter cake generated by its Conway, Arkansas Plant from the lists of hazardous wastes. This rule removes the final rule published in 67 FR 79874 (December 31, 2002). The EPA has received data from the facility indicating that the waste currently generated is no longer representative of the waste for which the petition was submitted. EPA acknowledges these changes and has requested that Tokusen withdraw its petition. Tokusen may submit a new delisting petition for the waste stream at any time.

DATES: Effective June 20, 2006.

FOR FURTHER INFORMATION CONTACT: Michelle Peace by mail at U.S. EPA Region 6, Multimedia Planning and Permitting Division, Corrective Action and Waste Minimization Section (6PD–C), 1445 Ross Avenue, Dallas, TX 75202, by phone at (214) 665–7430 or by e-mail at *peace.michelle@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 31, 2002, at 67 FR 79874, EPA finalized an exclusion from the list of hazardous wastes for Tokusen U.S.A., Inc in Conway, Arkansas. On November 8, 2004, EPA received information from the facility that the concentrations of zinc were elevated above the delisting exclusion concentrations. Tokusen withdrew its delisting petition, submitted October 24, 2001, for the F006 filter cake on January 6, 2006. The Tokusen U.S.A., Inc, Conway AR, exclusion found in 40 CFR part 261, appendix IX, Table 1 will be removed from the Code of Federal Regulations.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Section 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: June 2, 2006.

Carl E. Edlund,

Division Director, Multimedia Planning and Permitting Division, Region 6.

■ For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922 and 6938.

■ 2. Appendix IX to part 261, Table 1—Wastes is amended by removing the entry "Tokusen U.S.A, Inc. Conway, Arkansas" and its related text.

[FR Doc. E6–9576 Filed 6–19–06; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 71, No. 118
Tuesday, June 20, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN: 3206–AK98

FEHB Coverage and Premiums for Active Duty Members of the Military

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comment.

SUMMARY: The Office of Personnel Management is issuing a proposed regulation to change the Federal Employee Health Benefits (FEHB) Program regulations that govern continued coverage for employees who are called or ordered to serve in the uniformed services. These regulations provide extended FEHB coverage for up to 24 months to Federal employees called or ordered to active duty and who meet certain requirements, including serving in support of a contingency operation. Those employees who are called or ordered to active duty in support of a contingency operation are also eligible for premium payments by their employing agency. The purpose of these regulations is to authorize Federal agencies to continue health benefits coverage for up to 24 months for those employees called or ordered to active duty, with certain employees qualifying for agency premium contributions.

DATES: Comments must be received on or before August 21, 2006.

FOR FURTHER INFORMATION CONTACT: Michael W. Kaszynski, Policy Analyst, Insurance Policy, OPM, Room 3425, 1900 E Street, NW., Washington, DC 20415–0001. Phone number: 202–606–0004. E-mail: *mwkaszy@opm.gov.*

SUPPLEMENTARY INFORMATION: The National Defense Authorization Act for 2005 (Pub. L. 108–375) amended FEHB law to provide up to 24 months of continued FEHB coverage for Federal employees who are called or ordered to active duty in support of a contingency operation (5 U.S.C. 8905a), and to authorize agencies to pay the employee's share and the Government's share of premiums for up to 24 months (5 U.S.C. 8906 (e)(3)). The Act provides that this enhanced benefit is available for any employee who:

(1) Is enrolled in the FEHB Program;

(2) Is a member of a reserve component of the armed forces;

(3) Is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10 U.S.C.);

(4) Is placed on leave without pay or separated from service to perform active duty; and

(5) Serves on active duty for more than 30 consecutive days.

The expanded authority for agency premium payments authorized by Public Law 108–375 is a valuable benefit that helps reservists and their families shoulder the cost of health care during a time when they need it most. Public Law 108–454, the Veterans' Benefits Improvement Act of 2004, was enacted December 10, 2004. It amended 38 U.S.C. 4317(a)(1)(A) to extend from 18 to 24 months the length of an employee's health insurance coverage when the employee is absent because of service in the uniformed services. For FEHB purposes, this law applies to employees who are called to active duty but do not meet all the requirements of Public Law 108–375. Generally, these employees have orders that do not show that they are called to active duty in support of a contingency operation. As before, they do not meet the requirements of FEHB law for agency premium payment during active duty. These regulations propose to place into rulemaking the requirements of Public Law 108–375 and Public Law 108–454.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation affects only health insurance carriers under the Federal Employees Health Benefits Program.

Executive Order 12866, Regulatory Review

This regulation has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professionals, Hostages, Iraq, Kuwait, Lebanon, Military Personnel, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Linda M. Springer,

Director.

For the reasons set forth in the preamble, OPM is amending 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under section 599C of Pub. L. 101–513, 104 Stat. 2064, as amended; § 890.102 also issued under sections 11202(f), 11232(e), 11246 (b) and (c) of Pub. L. 105–33, 111 Stat. 251; and section 721 of Pub. L. 105–261, 112 Stat. 2061, unless otherwise noted.

2. Section 890.303 paragraph (i) is revised to read as follows:

§ 890.303 Continuation of enrollment.

* * * * *

(i) Service in the uniformed services. (1) The enrollment of an individual who separates, enters military furlough, or is placed in nonpay status to serve in the uniformed services under conditions that entitle him or her to benefits under part 353 of this chapter, or similar authority, may continue for the 24-month period beginning on the date that the absence to serve in the uniformed services begins, provided that the individual continues to be entitled to benefits under part 353 of this chapter, or similar authority. As provided for by 5 U.S.C. 8905(a), the continuation of enrollment for up to 24 months applies to employees called or ordered to active duty in support of a contingency operation on or after September 14, 2001. The enrollment of an employee who met the requirements of chapter 43 of title 38, United States Code, on or after December 10, 2004, may continue for the 24-month period beginning on the date that the absence to serve in the uniformed services began, provided that the employee continues to be entitled to

continued coverage under part 353 of this chapter, or similar authority.

(2) An employee in nonpay status is entitled to continued coverage under paragraph (e) of this section if the employee's entitlement to benefits under part 353 of this chapter, or similar authority, ends before the expiration of 365 days in nonpay status.

(3) If the enrollment of an employee had terminated due to the expiration of 365 days in nonpay status or because of the employee's separation from service, it may be reinstated for the remainder of the 24-month period beginning on the date that the absence to serve in the uniformed service began, provided that the employee continues to be entitled to continued coverage under part 353 of this chapter, or similar authority.

3. Section 890.304 paragraphs (a)(1)(vi), (a)(1)(vii), and (a)(1)(viii) are revised to read as follows:

§ 890.304 Termination of enrollment.

(a) * * *

(1) * * *

(vi) The day he or she is separated, furloughed, or placed on leave of absence to serve in the uniformed services under conditions entitling him or her to benefits under part 353 of this chapter, or similar authority, for the purpose of performing duty not limited to 30 days or less, provided the employee elects in writing to have the enrollment so terminated.

(vii) For an employee who separates to serve in the uniformed services under conditions entitling him or her to benefits under part 353 of this chapter, or similar authority, for the purpose of performing duty not limited to 30 days or less, the date that is 24 months after the date that the absence to serve in the uniformed services began or the date entitlement to benefits under part 353 of this chapter, or similar authority, ends, whichever is earlier, unless the enrollment is terminated under paragraph (a)(1)(vi) of this section.

(viii) For an employee who is furloughed or placed on leave of absence under conditions entitling him or her to benefits under part 353 of this chapter, or similar authority, the date that is 24 months after the date that the absence to serve in the uniformed services began or the date entitlement to benefits under part 353 of this chapter, or similar authority, ends, whichever is earlier, but not earlier than the date the enrollment would otherwise terminate under paragraph (a)(1)(v) of this section.

* * * * *

4. Section 890.502 paragraph (f) is revised to read as follows:

§ 890.502 Employee withholdings and contributions.

* * * * *

(f) Uniformed services. (1) Except as provided in paragraph (f)(2) of this section, an employee whose coverage continues under § 890.303(i) is responsible for payment of the employee share of the cost of enrollment for every pay period for which the enrollment continues for the first 365 days of continued coverage as set forth under paragraph (b) of this section. For coverage that continues after 365 days in nonpay status, the employee must pay, on a current basis, the full subscription charge, including both the employee and Government shares, plus an additional 2 percent of the full subscription charge.

(2) As provided by 5 U.S.C. 8906(e)(3), an employing agency may pay both the Government and employee contributions and any additional administrative expenses for the cost of coverage for the employee and the employee's family for a period of 24 months for employees called or ordered to active duty in support of a contingency operation on or after September 14, 2001. Payment of these contributions and expenses is solely at the discretion of the employing agency.

[FR Doc. E6–9666 Filed 6–19–06; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24710; Directorate Identifier 2006–CE–29–AD]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Models AT–802 and AT–802A Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Air Tractor, Inc. Models AT–802 and AT–802A airplanes. This proposed AD would require you to repetitively inspect the attach angles on the firewall mounted hopper rinse tank shelf for damage and/or cracks and replace damaged and/or cracked attach angles. Replacing the attach angles with steel attach angles would terminate the proposed repetitive inspection requirement. Reports of an uncommanded change in the engine power setting caused by separation of the hopper rinse tank shelf from the firewall prompted this proposed AD. We are proposing this AD to detect and correct damage and/or cracks in the attach angles on the firewall mounted hopper rinse tank shelf, which could result in failure of the attach angles. This failure could lead to shelf movement under maneuver load and shifting of the engine power cables, which could result in an uncommanded engine power setting change.

DATES: We must receive comments on this proposed AD by August 18, 2006.

ADDRESSES: Use one of the following addresses to comment on this proposed AD:

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; facsimile: (940) 564–5612.

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA–2006–24710; Directorate Identifier 2006–CE–29–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

Discussion

We received reports of cracks in the aluminum attach angles on the firewall mounted hopper rinse tank shelf. The cracks caused the attach angles to fail, allowing the shelf to move during in-flight maneuvering.

Movement of the shelf during in-flight maneuvering caused the engine power cables, which attach to the hopper rinse tank shelf by a bracket, to shift and resulted in an uncommanded engine power setting change.

This condition, if not corrected, could result in failure of the attach angles. This failure could cause the hopper rinse tank shelf to separate from the firewall, allowing the shelf to move under maneuver load. This movement could cause the engine power cables to shift and result in an uncommanded change to the engine power setting.

Relevant Service Information

We have reviewed Snow Engineering Co. Service Letter #248, dated August 31, 2005.

The service information describes procedures for:

- Inspecting the hopper rinse tank shelf attach angles for damage and/or cracks; and
- Replacing all three attach angles with steel attach angles, part number (P/N) 60568–3, if any damage and/or cracks are found on any of the attach angles.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require you to repetitively inspect the attach angles on the firewall mounted hopper rinse tank shelf for damage and/or cracks and replace damaged and/or cracked attach angles. Replacing the attach angles with steel attach angles, P/N 60568–3, would terminate the proposed repetitive inspection requirement.

Costs of Compliance

We estimate that this proposed AD would affect 219 airplanes in the U.S. registry.

We estimate the following costs to do each proposed inspection:

Labor cost	Parts cost	Total cost for each airplane	Total cost on U.S. operators
1 work-hour × $80 an hour = $80	Not applicable	$80	$80 × 219 = $17,520

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need this replacement:

Labor cost	Parts cost	Total cost for each airplane
3 work-hours × $80 an hour = $240	$105	$240 + $105 = $345

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Air Tractor, Inc.: Docket No. FAA–2006–24710; Directorate Identifier 2006–CE–29–AD.

Comments Due Date

(a) We must receive comments on this proposed airworthiness directive (AD) action by August 18, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD affects Models AT–802 and AT–802A airplanes, all serial numbers beginning with 802/802A–0001 through 802/802A–0219, that are certificated in any category.

Unsafe Condition

(d) This AD results from reports of an uncommanded change in engine power setting caused by separation of a hopper rinse tank shelf from the firewall. We are proposing this AD to detect and correct damage and/or cracks in the attach angles on the firewall mounted hopper rinse tank shelf, which could result in failure of the attach angles. This failure could lead to shelf movement under maneuver load and shifting of the engine power cables, which could result in an uncommanded engine power setting change.

Compliance

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Visually inspect the three attach angles on the firewall mounted hopper rinse tank shelf for damage and/or cracks.	Initially inspect within the next 100 hours time-in-service (TIS) after the effective date of this AD. Repetitively inspect thereafter at intervals not to exceed 100 hours TIS. Replacing all three attach angles with steel attach angles, part number (P/N) 60568–3 (or FAA-approved equivalent P/N), terminates the repetitive inspection requirement of this AD.	Follow Snow Engineering Co. Service Letter #248, dated August 31, 2005.
(2) If you find any damage and/or cracks on any of the three attach angles during any inspection required in paragraph (e)(1) of this AD, replace all three attach angles with steel attach angles, P/N 60568–3 (or FAA-approved equivalent P/N).	Before further flight after the inspection in which damage and/or cracks are found. Replacing all three attach angles with steel attach angles, P/N 60568–3 (or FAA-approved equivalent P/N), terminates the repetitive inspection requirement of paragraph (e)(1) of this AD.	Follow Snow Engineering Co. Service Letter #248, dated August 31, 2005.
(3) You may replace the aluminum attach angles on the firewall mounted hopper rinse tank shelf with steel attach angles, P/N 60568–3 (or FAA-approved equivalent P/N), at any time to terminate the repetitive inspections required in paragraph (e)(1) of this AD.	As of the effective date of this AD	Follow Snow Engineering Co. Service Letter #248, dated August 31, 2005.
(4) Do not install aluminum attach angles on the hopper rinse tank shelf attach angles.	As of the effective date of this AD	Not applicable.

(f) 14 CFR 21.303 allows for replacement parts through parts manufacturer approval (PMA). The phrase "or FAA-approved equivalent P/N" in this AD is intended to allow for the installation of parts approved through identicality to the design of the replacement parts. Equivalent replacement parts to correct the unsafe condition under PMA (other than identicality) may also be installed provided they meet current airworthiness standards, which include those actions cited in this AD.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Fort Worth Airplane Certification Office, FAA, ATTN: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) To get copies of the documents referenced in this AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; facsimile: (940) 564–5612. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at *http://dms.dot.gov*. The docket number is Docket No. FAA–2006–24710; Directorate Identifier 2006–CE–29–AD.

Issued in Kansas City, Missouri, on June 13, 2006.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–9639 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25079; Directorate Identifier 2006–NM–065–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310–300 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Model A310–300 airplanes. This proposed AD would require replacing the existing non-return valve (NRV) of the auxiliary center tanks (ACTs) of the fuel system with a new, improved NRV. This proposed AD

results from a report that it was not possible to transfer fuel from ACTs 1 and 2 during flight, and no electronic centralized aircraft monitor warnings were triggered. Investigation revealed a faulty static inverter and blown fuse, resulting in failure of certain fueling bus bars and subsequent failure of the automatic ACT fuel transfer. We are proposing this AD to prevent these failures, combined with failure of the NRV to close. If the NRV is open during flight, the fuel supply to the engines may be reduced during cross-feed operation to the extent that fuel starvation could occur and result in engine flameout.

DATES: We must receive comments on this proposed AD by July 20, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA–2006–25079; Directorate Identifier 2006–NM–065–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A310–300 series airplanes. The DGAC advises of receiving a report that it was not possible to transfer fuel from auxiliary center tanks (ACTs) 1 and 2 during flight, and no electronic centralized aircraft monitor warnings were triggered. Investigation revealed a faulty static inverter and blown fuse, resulting in failure of certain fueling bus bars and subsequent failure of the automatic ACT fuel transfer. In addition, there are known problems with certain non-return valves (NRVs) used throughout the fuel system, which could result in intermittent failure of the NRV to close. If the NRV is open during flight, the fuel supply to the engines may be reduced during cross-feed operation to the extent that fuel starvation could occur and result in engine flameout.

Relevant Service Information

Airbus has issued Service Bulletin A310–28–2158, dated September 1, 2005. The service bulletin describes procedures for replacing the existing NRV with a new, improved NRV. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive F–2005–197, dated December 7, 2005, to ensure the continued airworthiness of these airplanes in France.

The Airbus service bulletin refers to Lucas Air Equipment Service Bulletin C23AE01–28–01, Revision 1, dated July 20, 1994, as an additional source of service information for replacing the NRV.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the Airbus service information described previously.

Costs of Compliance

This proposed AD would affect about 11 airplanes of U.S. registry. The proposed replacement would take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Required parts would cost about $368 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $4,928, or $448 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures

the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2006–25079; Directorate Identifier 2006–NM–065–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by July 20, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A310–304, –308, –324, and –325 airplanes, certificated in any category; equipped with auxiliary center tanks (ACTs); except those on which Airbus Modification 8928 has been done in production.

Unsafe Condition

(d) This AD results from a report that it was not possible to transfer fuel from ACTs 1 and 2 during flight, and no electronic centralized aircraft monitor warnings were triggered. Investigation revealed a faulty static inverter and blown fuse, resulting in failure of certain fueling bus bars and subsequent failure of the automatic ACT fuel transfer. We are issuing this AD to prevent these failures, combined with failure of the non-return valve (NRV) to close. If the NRV is open during flight, the fuel supply to the engines may be reduced during cross-feed operation to the extent that fuel starvation could occur and result in engine flameout.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Replacement

(f) Within 15,000 flight hours after the effective date of this AD: Replace the existing NRV with a new, improved NRV by doing all the actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–28–2158, dated September 1, 2005.

Note 1: The Airbus service bulletin refers to Lucas Air Equipment Service Bulletin C23AE01–28–01, Revision 1, dated July 20, 1994, as an additional source of service information for replacing the NRV.

Parts Installation

(g) As of the effective date of this AD, no person may install, on any airplane, a NRV having part number C23AE0102, unless it has been modified according to paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(i) French airworthiness directive F–2005–197, dated December 7, 2005, also addresses the subject of this AD.

Issued in Renton, Washington, on June 14, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–9631 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD–OS–2006–0054]

RIN 0720–AA98 (previously 0720–AA94)

TRICARE Program; Routine Care Not Directly Related to Study, Grant or Research Program

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the exclusion of services and supplies provided as part of or under a research study, grant or research program to add coverage for routine patient care that would have been necessary in the absence of the study as well as care of complications that result from participation in the trial.

DATES: Written comments received at the address indicated below by August 21, 2006 will be accepted.

ADDRESSES: You may submit comments, identified by docket number and or RIN number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: René Morrell, Medical Benefits and Reimbursement Systems, TRICARE Management Activity, telephone (303) 676–3618.

SUPPLEMENTARY INFORMATION: TRICARE supplements the availability of health care in military hospitals and clinics.

This proposed rule revises the exclusion of services and supplies provided as part of or under a research study, grant or research program to allow coverage of routine care not directly associated with the research study or grant.

Research Study, Grant or Research Program

By law, under 10 U.S.C. 1079(a)(13), TRICARE may cost share only medically or psychologically necessary services or supplies. The regulation and program policies currently exclude cost-sharing of services and supplies provided as part of or under a research study, grant or research program, because the medical efficacy and safety of such services and supplies, and as such, the medical necessity, has not yet been established. For people with serious or life-threatening diseases, curative treatment is often not available. A clinical trial or research study offers the potential to provide curative treatment. By participating in a clinical trial, people with serious or life-threatening diseases may benefit from curative treatment. This change will assist eligible TRICARE beneficiaries who participate in clinical trials by providing coverage for medically necessary routine care not directly associated with the treatment under investigation and providing coverage for complications arising from participation in clinical trials.

This exclusion removal applies only to clinical trials that are Phase II, Phase III, or Phase IV patient research studies approved by centers or cooperative groups that are funded by the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Centers for Disease Control (CDC), the Agency for Health Care Research and Quality (AHRQ), or the Department of Veterans Affairs (VA).

In general, there are two types of costs associated with a clinical trial—routine medically necessary patient care costs and research costs. Routine patient care costs can include (but are not limited to) doctor office visits, hospital stays, clinical laboratory tests (*e.g.*, blood tests, CT scans, bone scans) and X-rays. These are the type of costs that will be covered by TRICARE. Research costs are divided into treatment costs and administrative costs. Treatment costs include test performed purely for research purposes, additional research physician and nurse time, and the additional cost of the experimental therapy or treatment itself. Administrative costs include the costs associated with recruiting patients, data collection and management, and statistical analysis of results. These types of administrative costs are almost always paid for by the clinical trial sponsor. All types of research costs will continue to be excluded from TRICARE coverage. This change will make coverage for medically necessary services not directly associated with the treatment under investigation consistent with both the statute and medically necessary services and supplies authorized as an exception to the TRICARE exclusion for unproven medical treatments and procedures under the regulation. Under 32 CFR 199.4(g)(15), unproven drugs, devices, and medical treatments or procedures are excluded. However, coverage is authorized under paragraph (g)(15)(iii) of this section when treatment is not related to the unproven drug, device or medical treatment or procedure, *e.g.*, medically necessary in the absence of the unproven treatment. Treatment is also authorized which is necessary follow-up to the unproven drug, device or medical treatment or procedure but which might have been necessary in the absence of the unproven treatment. This change is also consistent with the coverage of Medicare and private insurance carriers.

Regulatory Procedures

Executive Order 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one that would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal Agency prepare and make available for public comment, a regulatory flexibility analysis when the agency issues a Regulation which would have a significant impact on a substantial number of small entities.

This is neither a significant regulatory action under Executive Order 12886, nor would it have a significant impact on small entities. The changes set forth in the proposed rule are minor revisions to the existing regulation and affect only a small portion of the population who participate in research studies or grants. In addition, the proposed rule does not impose new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3511).

List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is proposed to be amended as follows:

PART 199—TRICARE PROGRAM; ROUTINE CARE NOT DIRECTLY RELATED TO STUDY, GRANT OR RESEARCH PROGRAM.

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.4 is proposed to be amended by adding new paragraph (g)(14)(i) and by reserving paragraph (g)(14)(ii) to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(g) * * *

(14) * * *

(i) *Care excluded.* This exclusion from benefits includes the investigational item or treatment itself, services and supplies customarily provided by the research sponsors free of charge for any enrollee in the trial, services and supplies provided solely to satisfy data collection and analysis and that are not used in the direct clinical management of the patient, and services and supplies provided to determine eligibility to participate in the study or research program. However, TRICARE may cover routine care not directly associated with the study or grant provided the research study or program is a Phase II, Phase III, or Phase IV patient research study approved by centers or cooperative groups that are funded by the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Centers for Disease Control (CDC), the Agency for Health Care Research and quality (AHRQ), or the Department of Veterans Affairs. Under those circumstances, TRICARE coverage is authorized for:

(A) Treatment that is not directly associated with the study or grant, e.g., medically necessary in the absence of the study or grant.

(B) Services and supplies that are medically necessary for the diagnosis or treatment of complications arising from participation in the research study or program.

(ii) [Reserved]

* * * * *

Dated: June 13, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–5489 Filed 6–19–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–06–057]

RIN 1625–AA08

Special Local Regulation for Marine Event, Bogue Sound, Morehead City, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the "Crystal Coast Super Boat Grand Prix", a power boat race to be held on the waters of Bogue Banks adjacent to Morehead City, NC. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the Morehead City Turning Basin including sections of the Intra-Coastal Waterways and Morehead City Channel during the power boat race.

DATES: Comments and related material must reach the Coast Guard on or before July 20, 2006.

ADDRESSES: You may mail comments and related material to: Commander (dpi), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23704–5004, or hand deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398–6203, or e-mail them to *dennis.m.sens@uscg.mil.*

The Inspections and Investigations Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Federal Building Fifth Coast Guard District between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: CWO Christopher Humphrey, Prevention Department, Sector North Carolina, at (252) 247–4525 or via e-mail to *Christopher.d.humphrey@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–06–057), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

The Coast Guard will hold a public meeting to provide a forum for citizens to provide oral comments relating to the "Crystal Coast Super Boat Grand Prix", a power boat race to be held on the waters of Bogue Banks adjacent to Morehead City, NC. The meeting will be open to the public.

This public meeting will be on Wednesday, June 28, 2006, from 6 p.m. to 9 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before June 26, 2006.

The Coast Guard public meeting will be held at the U.S. Coast Guard Sector North Carolina base, 2301 East Fort Macon Road, Atlantic Beach, NC. Send written material and requests to make oral presentations to CWO Christopher Humphrey, Commander, U.S. Coast Guard Sector North Carolina, Prevention Department, 2301 East Fort Macon Road, Atlantic Beach, NC, 28512–5633.

The meeting agenda includes the following:

(a) Introduction of panel members.

(b) Overview of meeting format.

(c) Background on proposed marine event.

(d) Statements from citizens.

Statements may be delivered in written form at the public meeting and made part of the docket or delivered orally not to exceed 10 minutes.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the meeting coordinator, CWO Christopher Humphrey, as soon as possible.

Background and Purpose

On September 24, 2006, the Super Boat International Productions Inc. will sponsor the "Crystal Coast Super Boat Grand Prix, on the waters of Bogue Sound including the Morehead City Turning Basin, sections of the Intra-Coastal Waterway, and Morehead City Channel at Morehead City, North Carolina. The event will consist of approximately 35 powerboats participating in two high-speed competitive races, traveling counter-clockwise around a race course. A fleet of spectator vessels are expected to gather near the event site to view the competition. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the races.

Discussion of Proposed Rule

The Coast Guard is proposing to establish this special local regulation on specified waters of Bogue Sound. The regulation would be enforced from 9 a.m. to 4 p.m. on September 24, 2006. The effect of the regulation would be to restrict general navigation in the regulated area during the races. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area. Non-participating vessels would be allowed to transit the regulated area between races, when the Coast Guard Patrol Commander determines it is safe to do so. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DHS is unnecessary. Although this regulation would prevent traffic from transiting a portion of the Pasquotank River during the event, the effect of this regulation would not be significant due to the limited duration that the regulated area would be in effect and the extensive advance notification that would be made to the maritime community via marine information broadcast, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level

of safety deemed necessary. Vessel traffic would be able to transit the regulated area between heats, when the Coat Guard Patrol Commander deems it is safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this section of Bogue Sound including the Morehead City Turning Basin, Atlantic Intra-Coastal waterway and Morehead City Channel from 9 a.m. to 4 p.m. on September 24, 2006. This purposed rule would not have a significant economic impact on substantial number of small entities for the following reasons: Although the regulated area would apply to the Morehead City Channel, Morehead City Turning Basin and a 2 mile segment of the Atlantic Intra-coastal Waterway, south and west of the Highway 70 Bridge, from approximately mile 204 of the Atlantic Intra-coastal Waterway to mile 206, traffic would be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area during the event, vessels would be required to proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. The Patrol Commander would allow non-participating vessels to transit the event area between races. Before the enforcement period, we would issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact U.S. Coast Guard Sector North Carolina, listed at the beginning of this rule. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" is not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. From 9 a.m. to 4 p.m. on September 24, 2006, add a temporary § 100.35–T05–057 to read as follows:

§ 100.35–T05–057 Bogue Sound, Morehead City, North Carolina.

(a) *Regulated area.* The regulated area is established for the waters of Bogue Sound, adjacent to Morehead City, NC, from the southern tip of Sugar Loaf Island approximate position latitude 34°42′55″ N longitude 076°42′48″ W, thence westerly to Morehead City Channel Daybeacon 7 (LLNR 38620), thence southwest along the channel line to Bogue Sound Light 4 (LLRN 38770), thence southerly to Causeway Channel Daybeacon 2 (LLNR 38720), thence southeasterly to Money Island Daybeacon 1 (LLNR 38645), thence easterly to Eight and One Half Marina Daybeacon 2 (LLNR 38685), thence easterly to the western most shoreline of Brant Island approximate position latitude 34°42′36″ N longitude 076°42′11″ W, thence northeasterly along the shoreline to Tombstone Point approximate position latitude 34°42′14″ N longitude 076°41′20″ W, thence southeasterly to the east end of the pier at Coast Guard Sector North Carolina approximate position latitude 34°42′00″ N longitude 076°40′5″ W, thence easterly to Morehead City Channel Buoy 20 (LLNR 29427), thence northerly to Beaufort Harbor Channel LT 1BH (LLNR 34810), thence northwesterly to the southern tip of Radio Island approximate position latitude 34°42′22″ N longitude 076°40′52″ W, thence northerly along the shoreline to approximate position latitude 34°43′00″ N longitude 076°41′25″ W, thence westerly to the North Carolina State Port Facility, thence westerly along the State Port to the southwest corner approximate position latitude 34°42′55″ N longitude 076°42′12″ W, thence westerly to the southern tip of Sugar Loaf Island the point of origin. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any person or vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the "Crystal Coast Super Boat Grand Prix" under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must: (i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) *Enforcement period.* This section will be enforced from 9 a.m. to 4 p.m. on September 24, 2006.

Dated: May 27, 2006.

Larry L. Hereth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 06–5536 Filed 6–15–06; 2:43 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU11

Endangered and Threatened Wildlife and Plants; Proposed Special Rule Pursuant to Section 4(d) of the Endangered Species Act for the Pacific Coast Distinct Population Segment of the Western Snowy Plover

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are extending the public comment period on the proposed special rule for the threatened Pacific Coast distinct population segment of the western snowy plover (*Charadrius alexandrinus nivosus*). Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final determination.

DATES: The public comment period for the proposed special rule published on April 21, 2006 (71 FR 20625) is extended to August 21, 2006. Any comments received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: You may submit comments and other information, identified by Attn: WSP–4(d), by any of the following methods:

- *Mail or hand delivery/courier:* Field Supervisor, Arcata Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, California 95521.
- *Fax:* 707–822–8411.
- *E-mail: fw8snowyplover@fws.gov.* See Public Comments Solicited section below for file format and other information about electronic filing.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Comments and materials received for this rule will be available for public inspection, by appointment, during normal business hours at the Arcata Fish and Wildlife Office at the above

address after the close of the comment period. Call 707–822–7201 to make arrangements.

FOR FURTHER INFORMATION CONTACT: Jim Watkins, Biologist, at the Arcata Fish and Wildlife Office (see **ADDRESSES** section), or via e-mail at *jim_h_watkins@fws.gov*; telephone 707–822–7201; fax 707–822–8411.

Public Comments Solicited

If you wish to comment, you may submit your comments and materials concerning the proposed special 4(d) rule by any one of several methods (see **ADDRESSES** section). Please submit Internet comments to *fw8snowyplover@fws.gov* in ASCII file format and avoid the use of special characters and any form of encryption. Please also include "Attn: WSP–4(d)" in your e-mail subject header and your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly by calling the person listed under **FOR FURTHER INFORMATION CONTACT**.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Commenters may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowed by law. There also may be circumstances in which we would withhold from the rulemaking record a commenter's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2006, the Service published a proposed special rule (71 FR 20625) under section 4(d) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) to promote the conservation of the Pacific Coast distinct population segment of the western snowy plover. The proposed special rule opened a 60-day public comment period, which was to end on June 20, 2006, on that action. Also on April 21, 2006, we published our not-warranted 12-month finding (71 FR 20607) on a petition to delist the Pacific Coast population of the western snowy plover. We have received requests from the public to view our records associated with the 12-month finding to help in their review of the proposed special 4(d) rule. To ensure that the public has sufficient opportunity to review the requested records, we are extending the comment period for the proposed special rule published on April 21, 2006, at 71 FR 20625, for an additional 60 days. Comments on the proposed special rule will be accepted through Monday, August 21, 2006.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 14, 2006.

Matt Hogan,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E6–9693 Filed 6–19–06; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 71, No. 118
Tuesday, June 20, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 15, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: National Animal Health Reporting System (NAHRS).

OMB Control Number: 0579–NEW.

Summary of Collection: The National Animal Health Reporting System (NAHRS) was developed through a cooperative effort between the United States Animal Health Association, the American Association of Veterinary Laboratory Diagnosticians, and the Animal and Plant Health Inspection Service (APHIS). NAHRS provides an ongoing national measure of the health status of the nation's livestock. The National Center for Animal Health Surveillance involvement in this voluntary monitoring activity is to facilitate standardization of the data throughout the United States and provide a central point for national collection. The evolving international trade arena and increased competition have heightened the need to have accurate, timely information to maintain and increase U.S. animal agriculture's overseas market share.

Need and Use of the Information: The objective of the NAHRS is to collect data needed to report the presence of confirmed clinical disease in commercial livestock, poultry, and aquaculture species in the U.S. These reports are required for membership by the Office International des Epizooties, and to meet international trade reporting requirements for animal health. On a monthly basis State veterinarians in each of the 50 States are asked to complete the NAHRS Reportable Disease List Form. The form collects qualitative data from reporting States on the confirmed presence or absence of diseases, but does not collect or report the number of cases.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 50.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,400.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–9643 Filed 6–19–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0015]

Availability of an Addendum to an Environmental Assessment for Field Release of Genetically Engineered Pink Bollworm

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have supplemented with an addendum the environmental assessment for a proposed field trial of pink bollworm genetically engineered to express green fluorescence as a marker. The Animal and Plant Health Inspection Service (APHIS) proposes to use this marked strain to assess the effectiveness of lower doses of radiation to create sterile insects for its pink bollworm sterile insect program. This program, using sterile insect technique, has been conducted by APHIS, with State and grower cooperation, since 1968. Data gained from this field experiment will be used to improve the current program. APHIS has supplemented its environmental assessment in order to evaluate a new location and new conditions for the field test. The addendum is available to the public for review and comment.

DATES: We will consider all comments that we receive on or before July 5, 2006.

ADDRESSES: You may submit comments by either of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the lower "Search Regulations and Federal Actions" box, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select APHIS–2006–0015 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

Postal Mail/Commercial Delivery: Please send four copies of your

comment (an original and three copies) to Docket No. APHIS–2006–0015, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0015.

Reading Room: You may read the environmental assessment, the addendum, and any comments that we have received in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming. The addendum is also available on the Internet at *http://www.aphis.usda.gov/brs/aphisdocs/05_09801r_ea.pdf.*

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Robyn Rose, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–0489. To obtain copies of the supplemented EA and FONSI, contact Ms. Ingrid Berlanger at (301) 734–4885; e-mail: *ingrid.e.berlanger@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered "regulated articles." A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release into the environment of a regulated article.

On April 8, 2005, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 05–098–01r) from APHIS' Plant Protection and Quarantine (PPQ) Center for Plant Health Science and Technology (CPHST) Decision Support and Pest Management Systems Laboratory in Phoenix, AZ, for a field trial using the pink bollworm (PBW), *Pectinophora gossypiella* (Lepidoptera: Gelechiidae), that has been genetically engineered to express an enhanced green fluorescent protein (EGFP) derived from the jellyfish *Aequora victoria.* A piggyBac transposable element derived from the plant pest cabbage looper (*Trichoplusia ni*) was used to transform the subject PBW, and expression of the EGFP is controlled through use of a *Bombyx mori* cytoplasmic actin promoter.

On April 19, 2006, APHIS published a notice [1] in the **Federal Register** (Docket No. APHIS–2006–0015, 71 FR 20068–20069) in which we announced the availability of a final environmental assessment (EA) and finding of no significant impact (FONSI) to issue this permit. The FONSI was signed on April 10, 2006. On April 12, 2006, APHIS received a request to amend the permit application. The amendment includes a change of location from Pima County, AZ, to Yuma County, AZ. This change is necessary because the Southwest Pink Bollworm Eradication Program has moved into phase 2, which includes Pima County, AZ. The program and the field trial must be spatially isolated to ensure that the data collected in the field trial are not influenced by the eradication program. The changes also included new field conditions, including releasing fewer insects over a smaller area. These changes have resulted from factors associated with moving the field trial. None of these changes raised new plant pest issues.

The subject transgenic PBW is considered a regulated article under the regulations in 7 CFR part 340 because the recipient organism is a plant pest. The proposed field test will evaluate the mating efficiency and competitiveness of the transgenic insects in the field. The transgenic PBW will be reared in the Phoenix PBW genetic rearing facility and treated with radiation levels suitable to induce F1 sterility. The irradiated insects will be released into a 4.6-acre field site in the middle of a 40- to 80-acre field of cotton expressing the Bt toxin, which is toxic to PBW. This release is part of the research to support and improve CPHST's PBW sterile insect program. Information resulting from this research will be used in support of APHIS' efforts to eradicate the PBW in the United States.

Additional information on the PBW eradication plan for the United States may be found at *http://www.aphis.usda.gov/ppq/pdmp/cotton/pinkbollworm/eradication/eradication.pdf.* An EA prepared for the Southwest Pink Bollworm Eradication Program may be found at *http://www.aphis.usda.gov/ppd/es/pdf%20files/swpbwea.pdf.*

On February 13, 2006, APHIS published a notice [2] in the **Federal Register** (70 FR 7503–7504, Docket No. APHIS–2006–0015) announcing the availability of an EA for the proposed field trial. During the 30-day comment period, APHIS received two comments. You may read the response to comments in the April 19, 2006, **Federal Register** notice (Docket No. APHIS–2006–0015, 71 FR 20068–20069). The two comments were not site-specific in nature.

APHIS has prepared an addendum to the EA to address the potential impacts on the human environment and threatened or endangered species that may have arisen from changing the field site and field trial design. This document is available as an attachment to the EA [see **ADDRESSES** above]. APHIS is opening a 15-day comment period for the addendum due to the limited change in circumstances resulting from the change in locations of the field test trials, and the extreme similarities of facts, locations, and circumstances between the two locations.The EA and addendum were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 15th day of June 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–9661 Filed 6–19–06; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice, EA, and FONSI, follow the directions for accessing the Federal eRulemaking Portal in the **ADDRESSES** section of this notice.

[2] To view the notice, EA, and the comments we received, follow the directions for accessing the Federal eRulemaking Portal in the **ADDRESSES** section of this notice.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service (RBS), Department of Agriculture.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request an extension of a currently approved information collection in support of the Intermediary Relending Program (IRP).

DATES: Comments on this notice must be received by August 21, 2006 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Lori Washington, Specialty Lenders Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3225, 1400 Independence Avenue, SW., Washington, DC 20250–3225, Telephone (202) 720–9815, E-mail *lori.washington@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Intermediary Relending Program.

OMB Number: 0570–0021.

Expiration Date of Approval: December 31, 2006.

Type of Request: Extension of currently approved collection information.

Abstract: The objective of the Intermediary Relending Program (IRP) is to improve community facilities and employment opportunities and increase economic activity in rural areas by financing business facilities and community development. This purpose is achieved through loans made by the RBS to intermediaries that establish programs for the purpose of providing loans to ultimate recipients for business facilities and community development. The regulations contain various requirements for information from the intermediaries, and some requirements may cause the intermediary to seek information from ultimate recipients. The information requested is necessary for RBS to be able to process applications in a responsible manner, make prudent credit and program decisions, and effectively monitor the intermediaries' activities to protect the Government's financial interest and ensure that funds obtained from the Government are used appropriately. It includes information to identify the intermediary; describe the intermediary's experience and expertise; describe how the intermediary will operate its revolving loan fund; provide for debt instruments, loan agreements, and security; and other material necessary for prudent credit decisions and reasonable program monitoring.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7.5 hours per response.

Respondents: Non-profit corporations, public agencies, and cooperatives.

Estimated Number of Respondents: 202.

Estimated Number of Responses per Respondent: 11.9.

Estimated Number of Responses: 2,403.

Estimated Total Annual Burden on Respondents: 17,989 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0043.

Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of RBS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue, SW., STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 5, 2006.

Jackie J. Gleason,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. E6–9673 Filed 6–19–06; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), the Rural Utilities Service, an agency delivering the U.S. Department of Agriculture (USDA) Rural Development Utilities Programs, invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by August 21, 2006.

FOR FURTHER INFORMATION CONTACT: Michele Brooks, Deputy Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Ave., SW., STOP 1522, Room 5159 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–4120.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8(d)). This notice identifies an information collection that will be submitted to OMB for approval.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele Brooks, Deputy Director, Program Development and Regulatory Analysis, USDA Rural Development, STOP 1522, 1400 Independence Ave.,

SW., Washington, DC 20250–1522. FAX: (202) 720–4120.

Title: 7 CFR Part 1738, Rural Broadband Loans and Loan Guarantee Program.

OMB Control Number: 0572–0130.

Type of Request: Revision of a currently approved information collection.

Abstract: USDA Rural Development, through the Rural Utilities Service, is authorized by Title VI, Rural Broadband Access, of the Rural Electrification Act of 1936, as amended (RE Act), to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities in States and Territories of the United States. The term of the loans is based on the expected composite economic life based on the depreciation of the facilities financed. The term of the loan can be as high as 25 years or even longer. In the interest of protecting loan security and accomplishing the statutory objective of a sound program of rural broadband service access, Title VI of the RE Act requires that Rural Development make or guarantee a loan only if there is reasonable assurance that the loan, together with all outstanding loans and obligations of the borrower will be repaid in full within the time agreed. The items covered by this collection include forms and related documentation to support a loan application, including Form 532 and supporting documentation.

Estimate of Burden: Public reporting for this collection of information is estimated to average 225 hours per response.

Respondents: Businesses and Not-for-profit institutions.

Estimated Number of Respondents: 40.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 13,480 hours.

Copies of this information collection can be obtained from Michele Brooks, Program Development and Regulatory Analysis, at (202) 690–1078. FAX: (202) 720–4120.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Dated: June 13, 2006.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E6–9613 Filed 6–19–06; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

East Kentucky Power Cooperative: Notice of Availability of an Environmental Assessment

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of an Environmental Assessment for public review.

SUMMARY: The Rural Utilities Service, an agency which administers the U.S. Department of Agriculture's Rural Development Utilities Programs (USDA Rural Development) proposes to prepare an Environmental Assessment (EA) related to possible financial assistance to East Kentucky Power Cooperative (EKPC) for the proposed construction of approximately 15.21 miles of 161 kilovolt (kV) electric transmission line in Warren County, Kentucky. EKPC is requesting the USDA Rural Development to provide financial assistance for the proposed project.

DATES: Written comments on this Notice must be received on or before July 20, 2006.

ADDRESSES: The EA will be available for public review at the USDA Rural Development, Utilities Programs, 1400 Independence Avenue, SW., Washington, DC 20250–1571; at the USDA Rural Development's Web site—*http://www.usda.gov/rus/water/ees/ea.htm;* at EKPC's headquarters office located at 4775 Lexington Road, Winchester, Kentucky 40391; at Warren Rural Electric Cooperative Corporation, 951 Fairview Avenue, Bowling Green, Kentucky 42101; and two Bowling Green Public Library locations:

The Main Library, 1225 State Street, Bowling Green, Kentucky 42101.

The Depot Branch, 401 Kentucky Street, Bowling Green, Kentucky 42101.

Written comments should be sent to: Ms. Stephanie Strength, Environmental Protection Specialist, USDA, Rural Development, Utilities Programs, Engineering and Environmental Staff, 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250–1571, or e-mail: *Stephanie.strength@wdc.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Stephanie Strength, Environmental Protection Specialist, USDA, Rural Development, Utilities Programs, Engineering and Environmental Staff, 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250–1571, Telephone: (202) 720–0468. Ms. Strength's e-mail address is *stephanie.strength@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The proposed project area is located in central Warren County, Kentucky. The proposed route for the new electric transmission line extends westerly following an existing electric utility line rights-of-way (ROW) from an existing substation at an automotive assembly plant located east of Bowling Green, Kentucky, to an existing electric generating station located on the southern side of the Barren River in northern Bowling Green. The proposed route then extends in a general southwesterly direction paralleling an existing electric transmission line from the generating station and following an existing electric transmission line ROW to a point where the route extends due south to connect to an existing electric substation southwest of Memphis Junction, Kentucky.

Alternatives considered by the USDA Rural Development and EKPC included: (a) No action, (b) alternate transmission line routes, and (c) other electrical alternatives. An Environmental Report (ER) that describes the proposed project in detail and discusses its anticipated environmental impacts has been prepared by EKPC. The USDA Rural Development has accepted the ER as its EA of the proposed project. The EA is available for public review at addresses provided above in this Notice.

Questions and comments should be sent to Ms. Stephanie Strength, USDA Rural Development at the mailing or e-mail addresses provided above in this Notice. The USDA Rural Development should receive comments on the EA in writing by July 20, 2006 to ensure that they are considered in its environmental impact determination.

Should the USDA Rural Development determine, based on the EA of the proposed project, that the impacts of the construction and operation of the project would not have a significant environmental impact, it will prepare a Finding of No Significant Impact. Public notification of a Finding of No Significant Impact would be published in the **Federal Register** and in newspapers with circulation in the project area.

Any final action by the USDA Rural Development related to the proposed project will be subject to, and contingent upon, compliance with all relevant Federal, state and local environmental laws and regulations, and completion of the environmental review requirements as prescribed in the USDA Rural Development's Environmental Policies and Procedures (7 CFR part 1794).

Dated: June 14, 2006.

Mark S. Plank,

Director, Engineering and Environmental Staff, USDA/Rural Development/Utilities Programs.

[FR Doc. E6–9642 Filed 6–19–06; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–835)

Furfuryl Alcohol from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On April 3, 2006, the Department of Commerce ("the Department") initiated the sunset review of the antidumping duty order on furfuryl alcohol from the People's Republic of China ("PRC") pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). The Department conducted an expedited (120-day) sunset review for this order. As a result of the sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. The dumping margins are identified in the *Final Results of Review* section of this notice.

EFFECTIVE DATE: June 20, 2006.

FOR FURTHER INFORMATION CONTACT: Audrey Twyman or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3534 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 2006, the Department published the notice of initiation of the second sunset review of the antidumping duty order on furfuryl alcohol from the PRC pursuant to section 751(c) of the Act and 19 CFR 351.218(c)(2) of the Department's Regulations ("Sunset Regulations"). *See Initiation of Five-year ("Sunset") Reviews*, 71 FR 16551 (April 3, 2006). The Department received the Notice of Intent to Participate from Penn Speciality Chemicals, Inc. ("the domestic interested party"), within the deadline specified in 351.218(d)(1)(i) of the Sunset Regulations. The domestic interested party claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic–like product in the United States.

We received a complete substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from respondent interested parties. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the order.

Scope of the Order

The merchandise covered by this order is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the "Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Furfuryl Alcohol from The People's Republic of China; Final Results" ("Decision Memo") from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated August 1, 2006, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order was to be revoked. Parties can find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file in room B–099 of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/index.html*. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order on furfuryl alcohol from the PRC would be likely to lead to continuation or recurrence of dumping at the following weighted–average percentage margins:

Manufacturers/Exporters/Producers	Weighted Average Margin (percent)
Qingdao Chemicals & Medicines & Health Products Import & Export Company	50.43
Sinochem Shandong Import and Export Company	43.54
PRC–Wide Rate	45.27

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 14, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–9664 Filed 6–19–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050106A]

Taking of Marine Mammals Incidental to Specified Activities; Geophysical Surveys in South San Francisco Bay South of the Dumbarton Bridge

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of proposed authorization for an incidental take authorization; request for comments.

SUMMARY: NMFS has received a request from the URS Corporation (URS) for an authorization to take small numbers of California sea lions, Pacific harbor seals, harbor porpoises, and gray whales, by harassment, incidental to geographical seismic surveys being conducted by Fugro West, Inc. (Fugro), in south San

Francisco Bay. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to Fugro to incidentally take, by harassment, small numbers of these species of pinnipeds and cetaceans during the next 12 months.

DATES: Comments and information must be received no later than July 20, 2006.

ADDRESSES: Comments on the application and draft Environmental Assessment (EA) should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning the contact listed here. The mailbox address for providing e-mail comments is *PR1.050106A@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: 050106A. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size. A copy of the application, the application letter, EA, and other related documents may be obtained by writing to this address or by telephoning one of the contacts listed here (see **FOR FURTHER INFORMATION CONTACT**) and is also available at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

FOR FURTHER INFORMATION CONTACT: Shane Guan, NMFS, (301) 713–2289, ext 137, or Monica DeAngelis, NMFS, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

An authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On March 30, 2006, URS on behalf of Fugro submitted an application to NMFS requesting an Incidental Harassment Authorization (IHA) for the possible harassment of small numbers of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), harbor porpoises (*Phocoena phocoena*), and gray whales (*Eschrichtius robustus*) incidental to conducting geophysical surveys in the south San Francisco Bay (SFB or the Bay), California. The purpose of the surveys is to aid the San Francisco Public Utility Commission (SFPUC) in the design of an underground water pipeline, the Bay Division Tunnel, in south SFB.

The proposed seismic study would span from Newark Slough and Plummer Creek adjacent to the Cargill Salt property in the east, to the Ravenswood Baylands open space on the western shore of SFB. The study would roughly parallel the existing SFPUC trans-bay pipelines, approximately 1 mile south of the Dumbarton Bridge. Marine seismic surveys would take approximately 8 - 10 days to perform. In the Newark Slough and Plummer Creek areas, work would be restricted to the non-pupping seasons of the harbor seal (July 1 - November 30). The ideal start date would occur during the summer/fall of 2006.

The proposed geophysical (seismic) studies would include 21 seismic sample transects. A total of 25 - 35 linear miles (40 - 56 km) of marine-based geophysical sampling would occur. The marine seismic reflection data would be collected along a series of lines that cross the Bay centered over the projected alignment. A centerline and four wing lines are planned. Cross lines, or tie lines, would be run perpendicular to the centerline and extend 200 - 500 m (656 - 1,640 ft) beyond the alignment parallel lines, unless restricted by water depth or man-made obstructions. Water depths in the survey area range from roughly 14 m (45 ft) in the deeper mid-Bay channel to about 1.8 - 2.4 m (6 - 8 ft) along the shore and in Newark Slough at high tide. Work would be conducted at high tide in the shallow nearshore areas.

Data would be collected from a small boat that tows a seismic energy source and a multichannel hydrophone. Two energy sources would be used, a Squid "minisparker" system and a Geopulse "boomer" system. An onboard generator powers the energy sources. The hydrophone contains multiple sensors that detect the seismic waves reflected from the water bottom and subsea floor sediments and rocks. The hydrophone is filled with inert silicon oil.

The survey boat would travel along predetermined survey lines using a differential global positioning system (DGPS) for navigation. Boat speed during surveys would be at 3 - 4 knots. The length of time for each survey transect will vary depending on the total distance of the transect. The longest transects spanning from east to west would take about 1 hour to complete. The shorter north-south transect would generally take less than 30 minutes to complete.

The energy source would be fired every 1/2 second (boomer) or 1 second (minisparker). Data received by the hydrophone are recorded with an onboard seismograph and laptop computer. Sound pressure level from a boomer operating at 350 joules is 204 dB re 1 microPa$_{RMS}$ at 1 m, and from a minisparker is 209 dB re 1 microPa$_{RMS}$ at 1 m. Frequency range for the boomer is at 750 - 3,500 Hz, with pulse duration 0.1 ms; and frequency range for the minisparker is at 150 - 2,500 Hz, with pulse duration 0.8 ms.

Description of the Marine Mammals Potentially Affected by the Activity

The marine mammals most likely to be found in SFB are the California sea lion, Pacific harbor seal, and harbor

porpoise. From December through May, gray whales may also be present in the Bay. General information of these species can be found in Caretta *et al.* (2005), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/PR2/Stock_Assessment_Program/sars.html*. Refer to that document for information on these species. Additional information on these species is presented below.

Pacific harbor seal

Within the proposed project area, Pacific harbor seals are know to haul-out near the junction of Newark Slough and Plummer Creek. Newark Slough is a continually used seal haul-out site, although it is used by small numbers of harbor seals compared with Mowry Slough to the south and Yerba Buena Island and Castro Rocks in the North Bay. Harbor seals are also known to utilize Newark Slough as a pupping site (Harvey and Oates, 2002) and up to 82 individuals have been documented hauling-out at that location on a single day. During a five-year survey period between 2000 and 2005 at Newark Slough, an average of 42 individuals were counted each year during the pupping season, compared to Mowry Slough 2 miles to the south, where an average of 279 animals were counted each year during the pupping season. The California stock of harbor seal is the only stock of this species found in the proposed project area, and its abundance is estimated to be 27,863 (Carretta *et al.*, 2005).

California sea lion

California sea lions breed off the Central and Southern California coastline. Once the pupping season is completed (May - June), male sea lions migrate north and enter the Bay. Although California sea lions are mainly known for haul-out sites off the San Francisco and Marin shorelines within the Bay, it is possible for this species to forage in the south Bay area as well. The U.S. stock of the California sea lion population is estimated between 237,000 to 244,000 (Carretta *et al.*, 2005).

Gray whale

In the past, eastern Pacific gray whales have been seen irregularly in SFB. These individuals likely wandered off the migration route. The number of gray whales observed in the Bay increased in 1999 and 2000, and the observed whales apparently were feeding in a number of areas in May and June. The increased aberrancies of gray whale sightings in timing and location, along with foraging activities on its migration route in 1999 and 2000, were potentially caused by a significant decline in amphipod density in gray whale's feeding ground in the Bering and Chukchi seas (Le Boeuf *et al.*, 2000). Although twice being hunted to the brink of extinction in the mid 1800s and again in the early 1900s, the eastern North Pacific gray whales population has since increased to a level that equals or exceeds pre-exploitation numbers (Jefferson *et al.*, 1993). Angliss and Lodge (2004) reported the latest abundance estimate of this population is 26,635.

Harbor porpoise

Harbor porpoises found in waters off the coast of central California from San Francisco to Point Arena belong to the San Francisco-Russian River stock. Year-round surveys in the Gulf of the Farallones area have shown harbor porpoise occurrence within 10 - 20 km (6 - 12 miles) of San Francisco Bay (Calambokidis ET AL., 1990). High harbor porpoise sightings were also reported just outside the Golden Gate and about 1 km (0.62 mile) inside SFB, however, the occurrence of harbor porpoises in the southern part of Bay is rare (DeAngelis, personal comm. 2006). Based on Carretta *et al.* (2005), the estimated abundance of the San Francisco-Russian River stock of harbor porpoise is 8,521.

Potential Effects on Marine Mammals and Their Habitat

Seismic surveys using acoustic energy may have the potential to adversely impact marine mammals in the vicinity of the activities (Gordon *et al.*, 2004). Intense acoustic signals from seismic surveys have been known to cause behavioral alteration such as reduced vocalization rates (Goold, 1996), avoidance (Malme *et al.*, 1986, 1988; Richardson *et al.*, 1995; Harris *et al.*, 2001), and changing in blow rates (Richardson *et al.*, 1995) in several marine mammal species.

The proposed studies would use a low intensity acoustic energy with source levels of 204 dB re 1 microPa at 1 m RMS (boomer) and 209 dB re 1 microPa at 1 m RMS (minisparker) to conduct the seismic surveys. However, it is unlikely that any marine mammals in the vicinity would be exposed to high sound pressure levels (SPL) due to transmission loss of the acoustic energy in the water column. In addition, the sound pulses produced by the energy sources are extremely short, lasting for only 0.1 ms for the boomer and 0.8 ms for the minisparker. Therefore, the energy from the seismic impulse is expected to be significantly low.

Pinniped disturbance could also be caused by the presence of vessels and humans that are involved in the geographical surveys. These disturbances could cause hauled out harbor seals or California sea lions to flush and possibly result in temporary use of alternate haul-out sites in the Bay. However, long term abandonment of the sites is not likely because noise from traffic, recreational boaters, and other human activities already occur in the area, and it is likely that these animals have become habituated to these disturbances.

Furthermore, marine mammal densities within the proposed project are typically very low. California sea lions, harbor porpoises and gray whales are not known to regularly visit the proposed project area, which is located in southern SFB. Although harbor seals use portions of the proposed project area as haul-out sites, their density is low. Within the last 5 years, individual harbor seals counted while hauling-out at the Newark Slough haul-out site during the post-pupping season have fluctuated between a maximum of 34 animals in 2001 to a minimum of 10 animals in 2005 (DeAngelis, personal comm. 2006). Numbers of harbor seals counted at the Newark Slough haul-out site during May 2001 and May 2002 (pupping season) ranged from 26 - 65 individuals. Lastly, the entire geophysical survey would only last for 8 - 10 days, which excludes any possible long term noise exposure to marine mammals in the vicinity of the proposed action area.

Based on this information, NMFS concludes that a small number of Pacific harbor seals, California sea lions, harbor porpoises, and gray whales that may be swimming, foraging, or resting in the project vicinity would be potentially taken by Level B behavioral harassment due to the proposed activity. In addition, proposed mitigation measures discussed below would greatly reduce the potential takes of marine mammals due to the proposed geophysical surveys.

Mitigation

The following mitigation measures are proposed be required under the proposed IHA to be issued to SFPUC for conducting geophysical surveys in southern SFB. NMFS believes that the implementation of these mitigation measures would reduce impacts to marine mammals to the lowest extent practicable.

Time and Location

Geophysical studies would only be conducted during daylight hours from 7 am - 7 pm, when marine mammal monitoring prior to and during the surveys would be most effective.

Seismic studies would not occur in the vicinity of Newark Slough or Plummer Creek during the harbor seal pupping season (March 1 - June 30). Seismic studies would only occur over open water transects during that period.

Establishment of Safety Zones

Safety zones would be established and monitored during the seismic surveys. The applicant proposes to establish a 45–m (148–ft) radius safety zone for the boomer system and a 100–m (328–ft) radius for the minisparker system. At these distances, the SPLs would be reduced to 179 dB re 1 microPa rms and 169 dB re 1 microPa rms, respectively, which is lower than NMFS standards set for avoiding marine mammal Level A harassment (180 dB re 1 microPa rms for cetaceans and 190 dB re 1 microPa rms for pinnipeds).

Observers on boats will survey the safety zone for 15 minutes to ensure that no marine mammals are seen within the zone before a seismic survey begins. If marine mammals are found within the safety zone, seismic surveys will be delayed until they move out of the area. If a marine mammal is seen above the water and then dives below, the surveyor will wait 15 minutes and if no marine mammals are seen by the observer in that time it will be assumed that the animal has moved beyond the safety zone. This 15–minute criterion is based on scientific evidence that harbor seals in San Francisco Bay dive for a mean time of 0.50 minutes to 3.33 minutes (Harvey and Torok, 1994), the mean diving duration for harbor porpoises ranges from 44 to 103 seconds (Westgate *et al.*, 1995), and the mean diving duration for gray whales is approximately 1.84 minutes (Wursig *et al.*, 2003).

Soft Start

Although marine mammals will be protected from Level A harassment by establishment of a safety zone at a SPL levels of 169 and 179 dB re 1 microPa rms, mitigation may not be 100 percent effective at all times in locating marine mammals. In order to provide additional protection to marine mammals near the project area by allowing marine mammals to vacate the area prior to receiving a potential injury, and to further reduce Level B harassment by startling marine mammals with a sudden intensive sound, Fugro will implement "soft start" practice when starting up acoustic equipment. By implementing the "soft start" practice, acoustic equipment will be initiated at an energy level less than full capacity (i.e., approximately 40–60 percent energy levels) for at least 5 minutes before gradually escalating to full capacity. This would ensure that, although not expected, any pinnipeds and cetaceans that are missed during safety zone monitoring will not be injured.

Equipment Shut-down If Marine Mammal Enters Safety Zone

With all the aforementioned mitigation measures in place, marine mammals may still enter the safety zone when geophysical surveys are underway. As a result, there is a possibility that Level A harassment could occur to these animals when exposed to intensive sounds. In order to prevent any potential Level A harassment to marine mammals from occurring, the surveyors will shut down the acoustic equipment if a marine mammal is sighted in or believed to have entered within the safety zone during the survey transect. The surveyors would not start the acoustic equipment again until the marine mammal leaves the safety zone, or no marine mammals are sighted within the safety zone for 15 minutes after the last sighting.

Monitoring and Reporting

URS will develop a monitoring plan that would collect data for each distinct marine mammal species observed in the south Bay proposed project area during the period of the seismic surveys. Marine mammal behavior, overall numbers of individuals observed, frequency of observation, the time corresponding to the daily tidal cycle, and any behavioral changes due to the geophysical surveys will be recorded on daily observation sheets.

Monitoring would be conducted by qualified NMFS-approved biologists. Binoculars and optical or digital laser range finders that are accurate to 3 feet (0.9 m) would be standard equipment for the monitors.

Monitoring would begin prior to the first day of the survey to establish baseline data, and would occur from a chase boat during the 8 - 10 day survey period. Post-survey monitoring would occur for a period of one day upon completion of the seismic studies.

Before the startup of the survey equipment, a marine mammal observer would visually survey the area for 15 minutes to confirm the safety zone is clear of any marine mammals. Seismic surveys will not begin until the safety zone is clear of marine mammals. Two observers would be present when surveys start onboard a separate boat and scan different sections of the overall survey area, particularly the safety zone. However, as described in the Mitigation section, once seismic survey of a transect begins, operations will continue uninterrupted until that transect is completed. However, if seismic survey of one transect is completed and a marine mammal is sighted within the designated safety zone prior to commencement of the next transect, the observer(s) must notify the surveyor (or other authorized individual) immediately and follow the mitigation requirements as outlined previously (see Mitigation).

URS would submit a final report to NMFS 90 days after completion of the proposed project. The final report would include data collected for each distinct marine mammal species observed in the south Bay proposed project area during the period of the seismic surveys. Marine mammal behavior, overall numbers of individuals observed, frequency of observation, and any behavioral changes due to the geophysical surveys would also be included in the final report.

National Environmental Policy Act (NEPA)

NMFS has prepared a draft EA for public review and comment (see **ADDRESSES**).

Endangered Species Act (ESA)

Based on a review conducted by NMFS biologists, no ESA-listed species are expected to occur in the proposed action area, therefore, NMFS has determined that this action will have no effect on listed species, and a section 7 consultation is not necessary.

Preliminary Determinations

For the reasons discussed in this document and in the identified supporting documents, NMFS has preliminarily determined that the impact of seismic surveys and other activities associated in the south SFB would result, at worst, in the Level B harassment of small numbers of California sea lions, Pacific harbor seals, harbor porpoises, and potentially gray whales that inhabit or visit south SFB. While behavioral modifications, including temporarily vacating the area during the survey period of 8 - 10 days, may be made by these species to avoid the resultant visual and acoustic disturbance, the availability of alternate areas within SFB and haul-out sites (including pupping sites) and feeding

areas within the Bay has led NMFS to preliminarily determine that this action will have a negligible impact on California sea lions, Pacific harbor seals, harbor porpoises, and gray whale populations along the California coast.

In addition, no take by Level A harassment (injury) or death is anticipated and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures described in this document.

Proposed Authorization

NMFS proposes to issue an IHA to Fugro for the potential harassment of small numbers of harbor seals, California sea lions, harbor porpoises, and gray whales incidental to conducting of seismic surveys in south San Francisco Bay in California, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see **ADDRESSES**).

Dated: June 14, 2006.

Donna Wieting,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–9679 Filed 6–19–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Docket No. 060606155–6155–01

Privacy Act of 1974: Systems of Records

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce

ACTION: Notice to delete a Privacy Act System of Records: COMMERCE/NTIA-1, "Radio Spectrum Management Career Development Program."

SUMMARY: In accordance with the Privacy Act (5 U.S.C. § 552a(e)(4) and (11)), the Department of Commerce is issuing notice of its intent to delete the system of records entitled "Radio Spectrum Management Career Development Program." This system of records is no longer collected or maintained by the National Telecommunications and Information Administration. There are no records remaining in the system.

DATES: To be considered, written comments must be submitted on or before July 20, 2006. Unless comments are received, the deletion of the system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

ADDRESSES: Written comments may be mailed to Stacy Cheney, Attorney-Advisor, Office of the Chief Counsel, National Telecommunications and Information Administration, Room 4713, 14th Street and Constitution Avenue, NW., Washington, DC 20231. Paper submissions should include a 3 1/2 inch computer diskette in HTML, ASCII, Word, or WordPerfect format (please specify version). Diskettes should be labeled with the name and organization affiliation of the filer, and the name of the word processing program used to create the document. Comments may be submitted electronically to the following electronic mail address: *sor-comments@ntia.doc.gov*. Comments submitted via electronic mail also should be submitted in paper or diskette formats. Comments will be posted on NTIA's Web site at *http://www.ntia.doc.gov/ntiahome/occ/sorcomments*.

SUPPLEMENTARY INFORMATION: This Privacy Act System of Records is being deleted because the records are no longer collected or maintained by the National Telecommunications and Information Administration. There are no records remaining in the system.

Dated: June 14, 2006.

Brenda Dolan,

Departmental Freedom of Information and Privacy Act Officer.

[FR Doc. E6–9615 Filed 6–19–06; 8:45 am]

BILLING CODE 3510–60–S

CONSUMER PRODUCT SAFETY COMMISSION

[Petition HP 06–1]

Petition Requesting Ban on Lead Toy Jewelry

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The United States Consumer Product Safety Commission (Commission or CPSC) has received a petition (HP 06–1) requesting that the Commission ban toy jewelry containing more than 0.06% lead. The Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by August 21, 2006.

ADDRESSES: Comments on the petition may be filed by e-mail to *cpsc-os@cpsc.gov*. Comments may also be filed by facsimile to (301) 504–0127, or delivered or mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504–7923. Comments should be captioned "Petition HP 06–1, Petition Requesting Ban on Lead Toy Jewelry." The petition is available on the CPSC Web site at *http://www.cpsc.gov*. A request for a hard copy of the petition may be directed to the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway; telephone (301) 504–6833, *e-mail rhammond@cpsc.gov*.

SUPPLEMENTARY INFORMATION: The Commission has received correspondence from the Sierra Club requesting that the Commission classify toy jewelry containing more than 0.06% lead as a banned hazardous substance under the Federal Hazardous Substances Act (FHSA). The request for a ban on toy jewelry containing more than 0.06% lead was docketed as petition number HP 06–1 under the Federal Hazardous Substances Act, 15 U.S.C. 1261–1278.

The Sierra Club states that the Commission should adopt regulations declaring that any toy jewelry containing more than 0.06% lead by weight for which there is a reasonably foreseeable possibility that children could ingest be declared a banned hazardous substance under the FHSA. The Sierra Club also states that the 0.06% level may not be low enough to protect children and should be an interim step until a determination of a more appropriate cutoff is made. In addition, the Sierra Club asserts that it believes that toy jewelry is any item that serves a decorative but no or minimal functional purpose that is valued at less than $20 per item. According to the Sierra Club, people are less likely to store such low-cost jewelry in secure containers or out of reach from children.

Interested parties may obtain a copy of the petition on the CPSC Web site at *http://www.cpsc.gov* or by writing or calling the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Dated: June 14, 2006.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E6–9658 Filed 6–19–06; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed voluntary online registration of Martin Luther King, Jr. Day of Service projects. Copies of the information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section by August 21, 2006.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attention: Rhonda Taylor, Project Officer, Room 10303, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom, at Room 8102C, at the street address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606–3460, Attention: Rhonda Taylor, Project Officer, Office of Public Affairs.

(4) Electronically through the Corporation's e-mail address system: *rtaylor@cns.gov.*

FOR FURTHER INFORMATION CONTACT: Rhonda Taylor, (202) 606–6721, or by e-mail at *rtaylor@cns.gov.*

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and,
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

I. Background

The Corporation for National and Community Service administers Martin Luther King, Jr., Service Day as part of the National Service Act (42 U.S.C. 12653(s)). To support the success of this service day, the Corporation for National and Community Service seeks to help promote this program to potential participants through a voluntary online project registration. Martin Luther King, Jr., Service Day projects, whether funded by the Corporation or not, will be able to register their projects, indicate if they need additional volunteers, and list specific project details. The information collected will be used to post the projects on the Corporation's Martin Luther King, Jr., Service Day Web site at *http://www.MLKDay.gov* and to contact these projects to provide support materials such as toolkits and posters. This information is used to determine that there is a diversity of projects and a sufficient saturation of locations to provide volunteers with opportunities to participate. The collection of this information will help the Corporation focus its resources in the most efficient manner.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Martin Luther King, Jr., Day of Service Project Registration.

OMB Number: None.

Agency Number: None.

Affected Public: Organizations operating Martin Luther King, Jr., Day of Service projects.

Total Respondents: 2,000.

Frequency: Annual.

Average Time Per Response: 20 minutes.

Estimated Total Burden Hours: 13,334 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 13, 2006.

Rhonda Taylor,

Acting Director, Office of Public Affairs.

[FR Doc. E6–9602 Filed 6–19–06; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Soil and Topography, LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy herby gives notice of its intent to grant to Soil and Topography Information, LLC., a revocable, nonassignable, exclusive license in the United States to practice the Government-Owned invention(s) described in U.S. Patent Number 5,316,950 entitled "Method for quantitative calibration of in situ optical chemical measurements in soils using soil class and characteristics", issue date May 31, 2002.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 5, 2006.

ADDRESSES: Written objections are to be filed with the Office of Research and Technology Applications, Space and Naval Warfare Systems Center, Code 2112, 83570 Silvergate Ave., Room 2306, San Diego, CA 92152–5048.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen H. Lieberman, Office of Research and Technology Applications, Space and Naval Warfare Systems Center, Code 2112, 83570 Silvergate Ave., Room 2306, San Diego, CA 92152–

5048, telephone 619–553–2778, E-Mail: *stephen.lieberman@navy.mil.*

(Authority: 35 U.S.C. 207, 37 CFR part 404.)

Dated: June 7, 2006.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–9650 Filed 6–19–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; SSC Development, LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to SSC Development, LLC, a revocable, nonassignable, exclusive license in the United States to practice the Government-owned invention(s) described in U.S. Patent No. 6,466,515 entitled, "Power-Efficient Sonar System Employing a Waveform and Processing Method for Improved Range Resolution at High Doppler Sensitivity," issue date October 15, 2002.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 5, 2006.

ADDRESSES: Written objections are to be filed with the Office of Research and Technology Applications, Space and Naval Warfare Systems Center, Code 2112, 83570 Silvergate Ave., Room 2306, San Diego, CA 92152–5048.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen H. Lieberman, Office of Research and Technology Applications, Space and Naval Warfare Systems Center, Code 2112, 83570 Silvergate Ave., Room 2306, San Diego, CA 92152–5048, telephone 619–553–2778, or e-Mail *stephen.lieberman@navy.mil.*

(Authority: 35 U.S.C. 207, 37 CFR part 404.)

Dated: June 7, 2006.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–9649 Filed 6–19–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–316]

Application To Export Electric Energy; Cinergy Marketing & Trading, LP

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Cinergy Marketing & Trading, LP (CMT) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 20, 2006.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office), 202–586–9624 or Michael Skinker (Program Attorney), 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On June 6, 2006, the Department of Energy (DOE) received an application from CMT for authority to transmit electric energy from the United States to Canada as a power marketer. CMT is a Delaware limited partnership with its principal place of business in Houston, TX. CMT has requested an electricity export authorization with a 5-year term. CMT does not own or control any generation, transmission, or distribution assets, nor does it have a franchised service area. The electric energy which CMT proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the U.S.

CMT will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company, Vermont Electric Power Company, and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by CMT has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the dates listed above.

Comments on the CMT application to export electric energy to Canada should be clearly marked with Docket No. EA–316. Additional copies are to be filed directly with Jason S. Austin, Senior Counsel, Cinergy Marketing & Trading, LP, 1100 Louisiana Street, Suite 4900, Houston, TX 77002.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by e-mailing Odessa Hopkins at *Odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on June 14, 2006.

Ellen Russell,

Acting Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–9633 Filed 6–19–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–317]

Application for Presidential Permit; AEP Texas Central Company; Request To Rescind Presidential Permit; Comission Federal de Electricidad

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application; request for rescission.

SUMMARY: AEP Texas Central Company (TCC) has applied for a Presidential

permit to construct, operate, maintain, and connect an electric transmission line across the U.S. border with Mexico. In the same application, Comision Federal de Electricidad (CFE), the national electric utility of Mexico, has requested a rescission of Presidential Permit No. PP–57.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 20, 2006.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office), 202–586–9624 or Michael T. Skinker (Program Attorney), 202–586–2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On January 24, 1975, the Federal Power Commission, predecessor agency of the Department of Energy, in Docket No. E–8057, now Presidential Permit No. PP–57, authorized CFE to construct, operate, maintain, and connect a 138,000-volt (138-kV) electric transmission line across the U.S.-Mexico international border in the vicinity of Loredo, Texas.

On June 12, 2006, American Electric Power Service Corporation (AEPSC), acting as the agent for TCC, formerly doing business as Central Power and Light Company (CPL), filed an application with the Office of Electricity Delivery and Energy Reliability (OE) of the Department of Energy (DOE) for a Presidential permit. TCC proposes to construct a double circuit 230,000-volt (230-kV) electric transmission line across the U.S.-Mexico international border. In the same application CFE requests DOE rescind Presidential Permit No. PP–57 if the TCC-requested permit is issued.

The existing international transmission facilities authorized in Presidential Permit No. PP–57 consist of a single-circuit 138-kV transmission line that originates at TCC's existing Laredo Power Plant Station, in Laredo, Texas. The facilities continue west approximately 0.3 miles to the Rio Grande River, the U.S.-Mexico international border, and continue to CFE's Ciudad Industrial Station in Laredo Nuevo, Mexico. In its application TCC proposes construct a new 230-kV circuit between the Laredo Power Plant and the CFE system and to rebuild and convert the existing 138-kV facilities to a 230-kV transmission circuit to be operated initially at 138-kV. The proposed double circuit facilities are to be operated as an asynchronous tie using a Variable Frequency Transformer (VFT). The VFT equipment would convert the interconnection with CFE from a block-over synchronous radial feed configuration to a continuous asynchronous connection. The proposed facilities would be constructed on steel monopole structures and would be sited along the center-line of the existing right-of-way. The existing wood transmission structures would be replaced with approximately four steel monopole structures. All facilities and equipment to be constructed, including the VFT, would be placed within the existing fence of the Laredo Power Plant.

TCC has indicated its intention to operate the proposed facilities as an open access transmission facility. If DOE were to grant the Presidential permit requested in OE Docket No. PP–317, it would simultaneously rescind Presidential Permit No. PP–57 issued to CFE.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Terri Gallup, Regulatory Case Manager, American Electric Power Service Corporation, 212 East Sixth Street, Tulsa, OK 74119–1295 and Carolyn Y. Thompson, Esq., Jones Day, 51 Louisiana Avenue, NW., Washington, DC 20001–2113A.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, copies of the application can be obtained from Ms. Odessa Hopkins at 202–586–7751, or by e-mail at *Odessa.Hopkins@hq.doe.gov*.

Issued in Washington, DC, on June 14, 2006.

Ellen Russell,

Acting Director, Siting and Permitting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–9634 Filed 6–19–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket No. EE–RM–PET–100]

Energy Efficiency Program for Consumer Products: California Energy Commission Petition for Exemption From Federal Preemption of California's Water Conservation Standards for Residential Clothes Washers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (hereafter "the Department") announces the extension of the time period for evaluation and decision on the disposition of the California Energy Commission's Petition for Exemption from Federal Preemption of California's Water Conservation Standards for Residential Clothes Washers (hereafter "California Petition"). In accordance with section 327(d)(2) of the Energy Policy and Conservation Act (hereafter "EPCA"), the Department is extending the time period for issuing a decision on the California Petition from June 23, 2006, to December 23, 2006. The Department is extending this time period in order to allow it adequate time to evaluate the California Petition in light of public comments received on the California Petition and the California Energy Commission's (hereafter "CEC") rebuttal comments received by the Department on May 15, 2006.

DATES: The Department is extending the time period of evaluation of the California Petition from June 23, 2006 to December 23, 2006.

ADDRESSES: For access to the docket to read background documents relevant to

this matter; go to the U.S. Department of Energy, Forrestal Building, Room 1J–018 (Resource Room of the Building Technologies Program), 1000 Independence Avenue, SW., Washington, DC 20585–0121, telephone number (202) 586–9127, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the Resource Room. Please note that the Department's Freedom of Information Reading Room (formerly Room 1E–190 at the Forrestal Building) is no longer housing rulemaking materials.

Electronic copies of the California Petition are available online at either the Department of Energy's Web site at the following URL address: *http://www.eere.energy.gov/buildings/appliance_standards/state_petitions.html* or the CEC's Web site at the following URL address: *http://www.energy.ca.gov/appliances/2005-09-13_PETITION_CLOTHES_WASHERS.PDF*. An electronic copy of California's water plan update and related material is available online at the California Department of Water Resources Web site at the following URL address: *http://www.waterplan.water.ca.gov/*. Electronic copies of comments received by the Department on California's Petition and the California Energy Commission's rebuttal statement are available online at the following URL address: *http://www.eere.energy.gov/buildings/appliance_standards/state_petitions.html*.

FOR FURTHER INFORMATION CONTACT: Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–0371. E-mail: *bryan.berringer@ee.doe.gov*. Thomas DePriest, Esq., U.S. Department of Energy, Office of General Counsel, GC–72, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9507, e-mail: *Thomas.DePriest@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Authority
II. Background

I. Authority

Part B of Title III of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. (42 U.S.C. 6291–6309) Products covered under the program, including residential clothes washers, and the authority to regulate them, are listed in section 322. (42 U.S.C. 6292) Section 325(g) (42 U.S.C. 6295(g)) establishes standards for certain types of residential clothes washers and requires the Department to issue two rulemakings to consider further amendments.

Federal energy efficiency requirements for residential products generally preempt State laws or regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) However, the Department can grant waivers of Federal preemption (hereafter "waiver" or "exemption") for particular State laws or regulations, in accordance with the procedures and other provisions of section 327(d) of EPCA. (42 U.S.C. 6297(d)) In particular, section 327(d)(1)(A) of EPCA provides that any State or river basin commission with a State regulation regarding energy use, energy efficiency, or water use requirements for products regulated by the Energy Conservation Program, may petition for an exemption from Federal preemption and seek to apply its own State regulation. (42 U.S.C. 6297(d)(1)(A))

Section 327(d)(2) of EPCA requires that the Department afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, related to the petition. (42 U.S.C. 6297(d)(2)) In addition, section 327(d)(2) of EPCA provides the Department with the authority to extend its decision date to within one year after the date on which the Department accepted the petition. However, the Department must publish notice of this extension in the **Federal Register** and note its reasons for delay. (42 U.S.C. 6297(d)(2)) In addition, should the Department decide to grant a petition, section 336(a)(1) of EPCA requires that DOE afford interested persons the opportunity to present written and oral data, views, and arguments with respect to any proposed rules prescribed under section 327. (42 U.S.C. 6306(a)(1))

II. Background

On September 16, 2005, the Department received a petition from the CEC, dated September 13, 2005, pursuant to the requirements of section 327(d) of EPCA (42 U.S.C. 6297(d)) and Title 10 Code of Federal Regulations (CFR) part 430, subpart D, and sections 430.41(a)(1) and 430.42 of the CFR. However, by letter dated November 18, 2005, the Department notified the CEC that its petition had failed to comply with certain requirements set out in 10 CFR 430.42(c). The CEC responded on December 5, 2005, and provided the required information. By letter dated December 23, 2005, the Department notified the CEC that it had accepted the California Petition as supplemented.

In accordance with section 327(d)(2) of EPCA (42 U.S.C. 6297(d)(2)) and 10 CFR 430.43, the Department published notice of the California Petition in the **Federal Register** on February 6, 2006 (hereafter "February 2006 notice"). (71 FR 6022) The February 2006 notice provides a summary of the Department's authority regarding petitions for exemption, the California Petition, and criteria for evaluating petitions for exemption. In the February 2006 notice, to help the Department evaluate the California Petition's request, the Department also invited the public to submit comments, data, and information regarding the California Petition by April 7, 2006.

In order to afford the CEC a reasonable opportunity to review public comments and provide rebuttal, the Department notified the CEC by letter dated April 14, 2006, of its opportunity to provide rebuttal comments. CEC rebuttal comments were received by the Department on May 15, 2006.

In this notice, the Department extends the period for evaluation of the California Petition to December 23, 2006, in order to provide the Department adequate time to evaluate the petition in light of public comments and CEC rebuttal comments received. The Department will consider the information and views submitted and make a determination on the California Petition. At such point, the Department will either provide notice of a proposed rule on which it will seek written and oral comment, or provide a notice of, and the reasons for, denial of the California Petition.

Issued in Washington, DC, on June 14, 2006.

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. E6–9637 Filed 6–19–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8185–5]

National Advisory Council for Environmental Policy and Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a public teleconference of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice to the EPA Administrator on a broad range of environmental policy, technology, and management issues. The Council is a panel of experts who represent diverse interests from academia, industry, non-governmental organizations, and local, state, and tribal governments. The purpose of this teleconference is to discuss and approve comments on EPA's Draft 2006–2011 Strategic Plan from a subset of the Council. A copy of the agenda for the meeting will be posted at *http://www.epa.gov/ocem/nacept/cal-nacept.htm.*

DATES: NACEPT will hold a public teleconference on Friday, July 7, 2006 at 2 p.m.—3:30 p.m. eastern daylight time.

ADDRESSES: The meeting will be held in the U.S. EPA Office of Cooperative Environmental Management at 655 15th Street, NW., Suite 800, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Sonia Altieri, Designated Federal Officer, *altieri.sonia@epa.gov*, (202) 233–0061, U.S. EPA, Office of Cooperative Environmental Management (1601E), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to the Council should be sent to Sonia Altieri, Designated Federal Officer, at the contact information above by July 3, 2006. The public is welcome to attend all portions of the meeting, but seating is limited and is allocated on a first-come, first-serve basis. Members of the public wishing to gain access to the conference room on the day of the meeting must contact Sonia Altieri at (202) 233–0061 or *altieri.sonia@epa.gov* by Thursday, July 6, 2006.

Meeting Access: For information on access or services for individuals with disabilities, please contact Sonia Altieri at 202–233–0061 or *altieri.sonia@epa.gov*. To request accommodation of a disability, please contact Sonia Altieri, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: June 12, 2006.

Sonia Altieri,

Designated Federal Officer.

[FR Doc. E6–9656 Filed 6–19–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8185–9]

Science Advisory Board (SAB) Staff Office; Notification of an Upcoming Teleconference of the SAB Ecological Processes and Effects Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the SAB Ecological Processes and Effects Committee.

DATES: The public teleconference will be held on July 12, 2006, from 10 a.m. to 12 p.m. (eastern daylight time).

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain the call-in number and access code for the teleconference may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), by mail at EPA SAB Staff Office (1400F), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone at (202) 343–9995; or by e-mail at *armitage.thomas@epa.gov*. General information about the SAB may be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the SAB Ecological Processes and Effects Committee will hold a public teleconference to discuss a draft ecological risk assessment workshop summary document. On February 7–8, 2006, the Committee held a public workshop on the state-of-the-practice of ecological risk assessment. Background information on the workshop was provided in a **Federal Register** notice published on September 8, 2005 (70 FR 53360). The Committee is holding the teleconference to discuss a draft workshop summary document and development of a report to EPA. The Committee's draft workshop summary document and teleconference agenda will be posted on the SAB Web site provided above prior to the teleconference. The Panel will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies.

Procedures for Providing Public Input

Members of the public may submit relevant written or oral information for the SAB Committee to consider during the advisory process. Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker with no more than a total of fifteen minutes for all speakers. Interested parties should contact the DFO, contact information provided above, in writing via e-mail seven days before the teleconference in order to be placed on the public speaker list. Written Statements: Written statements should be received in the SAB Staff Office at least seven days before the meeting so that the information may be made available to the Panel for their consideration. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 98/2000/XP format).

Meeting Accommodations

For information on access or services for people with disabilities, please contact the DFO, contact information provided above. To request accommodation of a disability please contact the DFO, preferably at least ten business days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: June 15, 2006.

Anthony F. Maciorowski,

Associate Director for Science, EPA Science Advisory Board Staff Office.

[FR Doc. E6–9655 Filed 6–19–06; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notice of Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Wednesday, June 28, 2006, 9:30 a.m. eastern time.

PLACE: Clarence M. Mitchell, Jr. Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, NW., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Employment of Individuals with Disabilities in the Federal Government.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings.

FOR FURTHER INFORMATION CONTACT: Stephen Llewellyn, Acting Executive Officer on (202) 663–4070.

Dated: June 16, 2006.

Stephen Llewellyn,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 06–5563 Filed 6–16–06; 1:19 pm]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Sunshine Act Meeting

June 14, 2006.

Open Commission Meeting

Wednesday, June 21, 2006

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, June 21, 2006, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item number	Bureau	Subject
1	Media	Title: Cable Carriage of Digital Television Broadcast Signals (CS Docket No. 98–120). Summary: The Commission will consider a Second Order on Reconsideration and Second Further Notice of Proposed Rulemaking concerning the mandatory carriage of digital broadcast television signals by cable operators.
2	Media	Title: 2006 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 (MB Docket No. 02–277); Cross-Ownership of Broadcast Stations and Newspapers (MM Docket No. 01–235); Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets (MM Docket No. 01–317); and Definition of Radio Markets (MM Docket No. 00–244). Summary: The Commission will consider a Further Notice of Proposed Rulemaking concerning its broadcast ownership rules.
3	Wireline Competition	Title: Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service (CC Docket No. 96–45); 1998 Biennial Regulatory Review—Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms (CC Docket No. 98–171); Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990 (CC Docket No. 90–571); Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size (CC Docket No. 92–237); Number Resource Optimization (CC Docket No. 99–200); Telephone Number Portability (CC Docket No. 95–116); Truth-in-Billing and Billing Format (CC Docket No. 98–170); and IP-Enabled Services (WC Docket No. 04–36). Summary: The Commission will consider a Report and Order and Notice of Proposed Rulemaking concerning its approach for assessing contributions to the Federal universal service fund.
4	International	Title: The Establishment of Policies and Service Rules for the Broadcasting Satellite Service at the 17.3–17.7 GHz Frequency Band and at the 17.7–17.8 GHz Frequency Band Internationally, and at the 24.75–25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Broadcasting Satellite Service Operating Bi-directionally in the 17.3–17.7 GHz Frequency Band. Summary: The Commission will consider a Notice of Proposed Rulemaking concerning processing and service rules for the 17/24 GHz Broadcasting Satellite Service (BSS).

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at *http://www.fcc.gov/realaudio.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–5562 Filed 6–16–06; 1:19 pm]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *http://www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 14, 2006.

A. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. National Holding Corporation, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The National Republic Bank of Chicago, Chicago, Illinois.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. Hatton Bancshares, Inc., Fargo, North Dakota; to become a bank holding company by acquiring 90 percent of the voting shares of Farmers&Merchants National Bank of Hatton, North Dakota.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Comanche National Corporation, Comanche, Texas, and Comanche National Corporation of Delaware, Wilmington, Delaware; to acquire 100 percent of the voting shares of The First National Bank of Santo, Santo, Texas.

Board of Governors of the Federal Reserve System, June 15, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–9670 Filed 6–19–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 p.m., Monday, June 26, 2006.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Space planning and possible leasing of space for the Federal Reserve Board.

3. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, June 16, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 06–5575 Filed 6–16–06; 2:52 pm]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Availability of Funds for the National Faith-Based and National Community Cardiovascular Disease Prevention Programs for High-Risk Women

AGENCY: Office on Women's Health, Office of Public Health and Science, Office of the Secretary, DHHS.

ACTION: Notice; correction.

SUMMARY: The Office on Women's Health, Office of Public Health and Science, Office of the Secretary, published a notice in the **Federal Register** on Tuesday, June 6, 2006 announcing the availability of funds for approximately two grants. This notice is to correct the following information contained in that announcement:

(1) Corrects the Anticipated Award date for the grant awards.

(2) Amends the expected increase of funding available for this grant; thereby, increasing the number of grants to be awarded, and also increasing the funding amount for each individual grant award.

(3) Corrects the number of pages to be submitted for the Project Narrative description to be submitted in the grant application.

(4) Corrects the omission of the Office on Minority Health as a partner during the performance period of this grant.

(5) Corrects some statistical data provided in the announcement.

(6) Corrects some page numbers listed in the Reference section in the announcement.

FOR FURTHER INFORMATION CONTACT: Dr. Suzanne Haynes, 202–205–2623.

Corrections

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32538, column 3, in the **DATES** section, correct to read as follows: Anticipated Award Date: September 1, 2006.

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32539, column 3, second paragraph, second sentence in the Funding Opportunity Description section, under *Curriculum Development*, correct to read as follows: "The OWH, ORWH/NIH, and the OMH will not provide the grantee with curriculum."

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32542, column 2, first paragraph, second sentence in the *Award Information* section, correct to read as follows:

Under this announcement, OWH/ORWH/NIH and OMH anticipate making, through the cooperative

agreement grant mechanism, up to four new 18-month awards by September 1, 2006.

Approximately $1,000,000 in FY 2006 funds is available to make individual grant awards up to $250,000 total cost (direct and indirect) for an 18-month period. The actual number of awards will depend on the quality of the applications received and the amount of funds available for the program. The government is not obligated to make any awards as a result of this announcement.

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32544, in the *Eligibility Information* section, column 1, last paragraph, correct to read as follows: "If funding is requested in an amount greater than the ceiling of the award range ($250,000 total cost for an 18-month period), the application will be considered non-responsive and will not be entered into the review process."

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32544, in the *IV. Application and Submission Information* section, under the *Application* section, column 2, first paragraph, seventh sentence, correct to read as follows: "The Project Narrative, excluding the appendices, is limited to a total of 50 pages, the fronts and backs of 25 pieces of paper."

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32548, in the *Application Review Information* section, under the *Review and Selection Process* section, column 1, first paragraph, sentence three, correct to read as follows:

"If funding is requested in an award range ($250,000 for an 18-month budget period), the application will be returned with notification that it did not meet the submission requirements."

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32549, in the *Other Information* section, under *Women and Cardiovascular Disease,* column 1, fourth bullet, correct to read as follows: "Thirty-eight percent of women die within one year of having a heart attack compared to 25 percent of men who have heart attacks (2)."

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32550, in the *Other Information* section, under *Cardiovascular Disease Interventions,* column 2, second paragraph, second sentence, correct to read as follows: "Such CVD interventions have been administered at various venues, including churches, community health centers, community health clinics, YMCAs and other health clubs, schools, Head Start facilities, etc. (25–33). Studies indicate that several aspects of targeted CVD intervention programs are particularly effective in modifying the CVD risk behaviors of women (1, 25, 26, 34–39)."

In the **Federal Register** of June 6, 2006, FR Doc. 06–5135, on page 32551, in the *References* section, column 2, Reference Number 15, correct to read as follows: "15. Pai JK, Pischon T, Ma J, et al. Inflammatory markers and the risk of coronary heart disease in men and women. N Engl J Med 2004; 351(25):2599–610."

Dated: June 8, 2006.

Wanda K. Jones,

Deputy Assistant Secretary for Health.

[FR Doc. E6–9641 Filed 6–19–06; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Applications for the Targeting Obesity in Young Women to Prevent the Development of Type II Diabetes Program

AGENCY: Office on Women's Health, Office of Public Health and Science, Office of the Secretary, DHHS.

ACTION: Notice.

Announcement Type: Competitive Cooperative Agreement—FY 2006 Initial announcement.

Funding Opportunity Number: Not applicable.

OMB Catalog of Federal Domestic Assistance: The OMB Catalog of Federal Domestic Assistance number is 93.022.

DATES: *Letter of Intent:* June 29, 2006.

Application Deadline: July 20, 2006.

Anticipated Award Date: August 4, 2006.

SUMMARY: The Office on Women's Health (OWH) is the focal point for women's health within the Department of Health and Human Services (DHHS). Under the direction of the Deputy Assistant Secretary for Women's Health, OWH provides leadership to promote the health equity for women and girls through gender-specific approaches. To that end, OWH has established public/private partnerships to address critical women's health issues nationwide. These include supporting collaborative efforts to provide accurate prevention education and programs for young women at risk for developing type II diabetes because they are overweight or obese.

These awards focus on the HHS initiative *Emphasize Healthy Living and Prevention of Disease, Illness, and Disability* in the "One Department. One Direction" Department-wide Objectives.

This program is authorized by 42 U.S.C. 300u–2(a).

I. Funding Opportunity Description

A. Populations

This cooperative grant announcement focuses on the development and demonstration of creative and innovative approaches that are effective in reducing the prevalence of overweight/obesity in young women, ages 16–24, by increasing the number of women who adopt positive, healthy, lifestyles. Organizations will be provided with funding that will aid in the development, expansion, or sustainment of effective obesity-related programs in order to effect lifestyle changes that will prevent the development of type II diabetes in the targeted population. The interventions implemented must be substantive in nature, incorporating evidenced-based nutrition, physical activity, and health/wellness components, while also positively impacting knowledge, attitudes, and behaviors.

Proposals must include programs for women who are members of racial and ethnic minority populations who are disproportionately affected by overweight/obesity. Grantees will be asked to describe the characteristics of its target population. Programs that seek to target audiences with a prevalence of overweight/obesity greater than 25% are particularly encouraged to submit proposals.

B. Program Planning, Development, and Recruitment

i. Post-Award Orientation

The grantee shall send two representatives to a two-day post-award orientation meeting in Washington, DC. This meeting shall occur within 2 months of grant award. The project manager of the program and a representative who holds a leadership position in the organization must attend the meeting. Travel funds for this meeting must come out of the total award funding and should be included in the applicant's cost proposal.

The purpose of the post-award orientation meeting will be to clarify tasks and requirements and answer any questions that grantees may have. Grantees shall also share their program plans, approaches, and best practices with each other through presentations and roundtable discussions.

ii. Curriculum Development

A multi-disciplinary planning committee shall be formed consisting of representatives from the organizations, health care professionals, and educators (one member with at least a B.S. in human nutrition, preferably a registered

dietitian), and high-risk women in the community. The grantee will consult with the planning committee to design educational sessions that shall educate women on all of the major results of obesity (diabetes, hypertension, cholesterol, stroke, CVD), methods to modify risk, and the benefits associated with risk modification. The benefits of portion control and physical activity shall also be addressed. The format of the educational sessions will be specified in subsequent sections of this funding opportunity description.

Existing curriculum from successfully tested and evaluated obesity prevention intervention programs should be obtained and adapted for this program. DHHS/OWH will offer general resources, such as "The Dietary Guidelines for Americans 2005," which incorporates weight management information and calorie-lowering strategies, including the DASH diet (2,000 calorie maintenance). The curriculum and materials must be both culturally and educationally appropriate and women-centered (*see* section VIII.2 for definitions).

iii. Interventions

Each scheduled intervention shall aim to recruit an average of 20 to 50 participants. High-risk racial and ethnic minority young women aged 16–24 shall be targeted; however, all high-risk women shall be eligible to participate in the program, regardless of race, religion, or age. All participants must read and sign a written consent form before starting any intervention programs. The grantee shall prepare the draft consent form in lay-language. The grantee will also create postcard reminders (or e-mail reminders if participants have easy access to the internet) for each educational and maintenance session. The grantee will mail or e-mail the reminders to each participant.

All educational and maintenance sessions shall be focused on mutual support for participants in their efforts to reduce the risk associated with obesity. Grantees can obtain and distribute incentives for attendance (*e.g.* awards) and incentives to motivate participants to modify risk factors during the course of the intervention. Appropriate incentives will be offered to the participants who achieve their personalized risk modification goals. Positive reinforcement and open communication as well as a healthy sense of competition must be encouraged. Incentives and awards may be solicited as donations from private sources.

iv. Resource Establishment

The grantee must compile a local directory of obesity, nutrition, and physical activity resources (dietitians, diabetes experts, weight loss and exercise programs, public health screening and diagnosis information) available in the community, including health care alternatives for the uninsured and underinsured women. The grantee shall establish a national Web site or enhance an existing organization's Web site to provide support and information online. These Web sites shall be linked to the DHHS/OWH's *http://www.womenshealth.gov*.

C. Educational Sessions

i. Overview

Each site will host six educational sessions over a period of 6 months. The sessions can be physically located at the grantee's site or at any other appropriate facility in the community that is accessible to the target audience. These sessions shall address the serious consequences of obesity [high blood pressure, type II diabetes, coronary heart disease (CHD), stroke, gallbladder disease, osteoarthritis, sleep apnea, respiratory problems, and some types of cancer] and the benefits associated with risk modification. Sessions may include lectures, demonstrations, video presentations, activities, etc. Each session must also incorporate some form of moderate physical activity (such as walking, yoga, or aerobics).

Additionally, each session shall include a small group discussion component that will focus on encouraging participants to incorporate weight control strategies and physical activity into their daily lives. Participants shall be divided into small groups according to criteria chosen by the grantee. During the group discussion component, participants should discuss self-monitoring efforts and establish risk modification goals. The grantee will consult and incorporate qualified health and nutrition professionals in the development and implementation of the curriculum and small group discussions.

ii. Educational Session #1: Screening and Program Introduction

During the first educational session, screening shall be conducted for each participant (all measurements must be kept confidential) to establish baseline measurements. (Note: Fasting blood tests must be used to screen for cholesterol and diabetes.) The grantee may solicit local health care organizations, drug stores, and/or other private sources to donate or loan screening equipment, giving proper acknowledgment for their assistance. Additionally, health professionals who volunteer to present at sessions can be asked to bring equipment with them and help conduct the screenings. Alternatively, grantees may use a small amount (no more than $10,000.00) of grant funds to purchase screening equipment and supplies.

The importance of weight control, good nutrition, recommended portion sizes, and physical activity will be introduced and emphasized as the primary goal of the program. Daily weight and physical activity self-monitoring materials (diaries, logs, etc.) will be distributed and explained. The site leader should also discuss the reward system for reaching risk modification goals. Moreover, the first session should include a basic orientation on how to use the internet. The orientation shall include instruction on how participants who do not own computers can access computers that are available for public use (*e.g.* at a public library, health center, faith-based or community-based organization). The format of the orientation may include a hands-on demonstration, pictorial diagrams, and/or written instruction.

During the first educational session, each participant shall also be administered a test to determine baseline knowledge of obesity and its risk factors. Additionally, each participant shall assess her own personal risk profile.

iii. Educational Sessions #2–6: Risk Factors

After the first introductory educational session, the following five educational sessions will be devoted to educating participants about overeating and portion control, good nutrition, and physical activity. In addition, key lessons learned at previous sessions will be reviewed at each of the proceeding sessions to reinforce risk factor knowledge. Interactive guided discussion among participants may help identify effective strategies for overcoming obstacles to eating better and moving more.

iv. Educational Session #6: Screening and Wrap-up

During the sixth and final educational session, participants shall be screened again and each participant shall assess her own personal CVD risk profile. Each participant shall also be administered a test to determine knowledge of obesity and its consequences, nutrition, and physical activity. Additionally, participants shall be asked to provide

feedback regarding their experience in the program and evaluate the program. Participants will also decide on a plan of action for the two maintenance sessions.

D. Maintenance Sessions

The maintenance sessions will take place 6 months after the last educational sessions. Participants can decide on the format of the maintenance sessions. The sessions may include any or all of the following: Additional educational seminars, screenings, testimonials, personal counseling, field trips (*e.g.* trips to gyms to exercise or trips to grocery stores and restaurants to practice selecting healthy foods), etc. However, each session must include a physical activity and a small group discussion component.

The format of each maintenance session should be clearly outlined and documented (what type of activity, duration of activity, material covered, location, etc.). During the last maintenance session, participants will be screened again for risk factors and each participant shall assess her own personal risk profile. Each participant shall also be administered a test to determine knowledge of being obese or overweight and its associated risk factors. Additionally, participants shall be asked to give feedback and evaluate the program.

E. Program Evaluation/Write-Up

Information on personal risk factors must be obtained from three assessment points—the first (baseline) educational session, the last educational session, and the last maintenance session. Self-monitoring materials and feedback from evaluation forms will also provide information. Grantees may choose to use any appropriate tools, survey instruments, self-monitoring and evaluation materials to provide information on short-term and long-term behavioral changes. All materials must be reviewed and approved by the multi-disciplinary planning committee. In addition, grantees shall be required to include a core set of screening and evaluation items that will be prescribed by the DHHS/OWH. These items will be determined during and after the post-award orientation meeting and will most likely consist of items developed by one or more of the grantees.

The grantee shall design a database, collect all participant data, and enter data into the database. This data shall be kept confidential through use of unique identifying numbers and an electronic copy of the data shall be provided to DHHS/OWH. Baseline and follow-up data must be analyzed to quantitatively evaluate the program's effectiveness at two different intervals—after the end of the educational sessions and after the end of the maintenance sessions. The program evaluation must be able to demonstrate, at minimum, the following desired program outcomes:

Primary Outcome Measures

1. Increase the proportion of participants who understand the correlation between being obese/overweight and the resulting illnesses and major complications.
2. Increase participant's knowledge of how to correctly measure and use the widely accepted portions of food.
3. Increase the number of participants who use healthier methods to prepare foods long after session's end.
4. Increase the participant's knowledge of resources in the community that will enable them to engage in regular physical activity, weight control, and healthy nutrition.
5. Have participants show how they have incorporated physical activity into everyday living (using stairs instead of elevators, walking instead of riding to work, parking their vehicle further away from a destination) long after session's end.
6. Decrease the Body Mass Index (BMI) from baseline for participants who are obese long after session's end.
7. Decrease the weight by 7–10% of overweight participants long after session's end.
8. Increase the proportion of participants who engage regularly in moderate physical activity (*e.g.* joining a health club, using the gym at the YMCA, attending dance classes at the neighborhood recreation center) long after session's end.

Secondary Outcome Measures

1. Increase the proportion of participants who are aware of the BMI and their weight status using the BMI scale.
2. Increase the proportion of participants with high blood pressure at baseline whose blood pressure is under control because of weight loss.
3. Decease the proportion of participants with high total blood cholesterol because they now engage in regular physical activity and practice healthier eating habits.
4. Were new behaviors sustained or abandoned after the sessions?

The evaluation should also address the following questions:

1. Did participants evaluate the program favorably?
2. Did the program meet the needs and expectations of the participants?
3. What changes do the participants suggest?

Emphasis should be placed on aligning program outcomes and targets with the objectives and targets of Healthy People 2010. More information on the Healthy People 2010 objectives may be found at *http://www.health.gov/healthypeople*. Each grantee should also take into account the baseline characteristics of the potential program participants when setting outcome targets.

DHHS/OWH shall site visit the five grantees during one of the 2–6 Educational Sessions. The grantee shall participate in monthly conference calls with the DHHS/OWH and other grantees. The grantee shall prepare quarterly progress reports that outline the status and progress of the project. The grantee shall prepare a final report that describes the results from the program evaluation and all project activities for the entire 12-month period of the program.

The purpose of the program is to reduce obesity among high-risk young women in the United States through education and risk behavior modification. This obesity prevention program will be targeted towards high-risk racial and ethnic minority women, ages 16–24; however, all high-risk women shall be eligible to participate in the programs regardless of race, religion, or age.

Each grantee shall implement a program in community-based sites across the United States, including urban and rural areas. The main goals will be for program participants to increase their knowledge of obesity risk factors, its cause and effects, to increase their level of physical activity and to learn healthier methods of food preparation and portion control.

II. Award Information

The Office on Women's Health (OWH) anticipates making, through the cooperative agreement grant mechanism, new annual awards for the creation or sustainment of obesity programs for young women, ages 16–24. Funds to be awarded no later than September 1, 2006. Approximately $490,000 is available to make five awards of up to $98,000 total cost (direct and indirect) for a 12-month period. The actual number of awards made will depend upon the quality of the applications received and the amount of funds available for the program. The government is not obligated to make any awards as a result of this announcement.

In order to achieve the goals of the program, the grantee shall develop methods to provide effective education and awareness interventions and

messages to at risk young women, ages 16–24, that will positively impact behaviors.

Under this cooperative agreement, the duties of the Federal Government and the grantee are described below:

The DHHS/OWH will provide technical assistance and the oversight necessary for the implementation, conduct, and assessment of program activities. This program will be a model; as such, the federal government may replicate the program and/or use the program materials both during and after the period of performance. The grantee may copyright any work that is developed, or for which ownership was purchased, under the award, but DHHS reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. In addition, the grantee and/or community partners are encouraged to sustain the program after the end of award and expand it to other sites within its network.

The Federal Government will also:

Review and approve work plan, task outline, and schedule of activities.

Review quarterly progress reports.

Conduct the monthly conference calls with grantees.

Conduct the two-day post-award orientation meeting in Washington, DC within two months of award.

Conduct one site visit per grantee.

Review and approve all educational and instructional materials for the six educational sessions.

Review and approve informed consent document and program promotional materials to ensure adherence to DHHS policies.

The grantee shall complete the requirements described in the Funding Opportunity Description. Specifically, the grantee will:

Provide no less than six educational forums/interventions to address obesity issues in the target audience. The location must be accessible to the target audience.

Establish partnerships with local and community-based organizations, health clubs, recreation centers, hospitals, clinics, etc. to increase access to, or create support groups for overweight/obese young women. Establish a Memorandum of Understanding (MOU) with each urban or rural community-based site willing to participate in the program.

Develop culturally appropriate facilitator education and training modules in an effort to sustain awareness and education programs for the target audience; and ensure education, awareness and training programs are culturally, linguistically, and educationally appropriate for the target audience.

Submit a work plan, task outline, and schedule of activities within one month of award.

Attend a two-day post-award orientation meeting in Washington, DC within two months of grant award. (Travel funds for this meeting must come out of the total award funding and should be included in the applicant's budget justification.)

Participate in monthly conference calls with the DHHS/OWH and other grantees.

Prepare quarterly progress reports that outline the status and progress of the program.

Form a planning committee consisting of representatives from community organization, health care and nutrition professionals and educators, and high-risk women in the community.

Consult with the planning committee to develop six educational sessions that address all of the major risk factors of obesity. Curriculum should be adapted from existing models of prevention intervention curriculum that have been successfully tested and evaluated.

Prepare or obtain educational materials for the six educational sessions (*e.g.* instructional manual, educational and/or exercise videos, booklets, etc.).

Develop small group discussion format for each session focusing on encouraging participants to incorporate weight control strategies and physical activity into their daily lives.

Track regular physical activity and weight control behaviors.

Use pre and post evaluation materials and survey instruments (*e.g.* knowledge tests, risk factor profile assessment tools, and qualitative feedback forms).

Prepare a draft consent form in lay-language, obtain appropriate institutional IRB approval, if applicable, and obtain consent from all program participants.

Adhere to all program requirements specified in this announcement and the Notice of Grant Award.

Comply with the DHHS Protection of Human Subjects regulations (which require obtaining Institutional Review Board approval), set out at 45 CFR part 46, if applicable. General information about Human Subjects regulations can be obtained through the Office for Human Research Protections (OHRP) at *http://www.hhs.gov/ohrp; ohrp@osophs.dhhs.gov;* or toll free at (866) 447–4777.

III. Eligibility Information

1. Eligible Applicants

Eligible entities may include: For profit and not for profit community based organizations, national organizations, colleges and universities, clinics and hospitals, research institutions, State and local government agencies, tribal government and tribal/urban Indian entities, and faith-based organizations.

If funding is requested in an amount greater than the ceiling of the award range ($98,000 total cost for a 12-month period), the application will be considered non-responsive and will not be entered into the review process. The application will be returned with notification that it did not meet the submission requirements. Applications that are not complete or do not conform to or address the criteria of this announcement will be considered non-responsive and will not be entered into the review process. The application will be returned with notification that it did not meet the submission requirements. An organization may submit no more than one proposal for the program announced in this notice of funding availability. Organizations submitting more than one proposal will be deemed ineligible. The proposal will be returned without comment.

2. Cost Sharing or Matching Funds

Cost sharing and matching funds are not a requirement of this grant; however applicants may solicit private sources for donations and/or loans of screening equipment, screening personnel, and participation incentives.

3. Other

A Letter of Intent (LOI) is required prior to submission of applications. See section IV.2 for formatting and submission requirements for the LOI.

IV. Application and Submission Information

1. Address To Request Application Package

Application kits may be requested by calling (240) 453–8822 or writing to: OPHS Office of Grants Management, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852. Requests may also be submitted by FAX at (240) 453–8823.

2. Content and Form of Application Submission

A. Letter of Intent

A Letter of Intent (LOI) is required from all potential applicants for the purpose of planning the competitive review process. The LOI should be no

more than one page, double-spaced, printed on one side, with one-inch margins, and 12-point font. LOIs should include the following information: (1) Program announcement title and number; (2) name of the applicant agency or organization, the official contact person and that person's telephone number, fax number, and mailing and e-mail addresses. Do not include a description of your proposed project. Submit the LOI to: OPHS Office of Grants Management, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852. The LOI must be received by the OPHS Office of Grants Management by 5 p.m. Eastern Time on June 29, 2006. If an applicant does not submit an LOI by the established due date and time, the application will not be eligible for the review process.

A Dun and Bradstreet Universal Numbering System (DUNS) number is required for all applications for Federal assistance. Organizations should verify that they have a DUNS number or take the steps necessary to obtain one. Instructions for obtaining a DUNS number are included in the application package, and may be downloaded from the Web site *https://www.dnb.com/product/eupdate/requestOptions.html.*

B. Application

Applications must be submitted using the Form OPHS–1 (Revised 8/04) and in the manner prescribed in the application kit. Applicants are required to submit an original ink-signed and dated application and 2 photocopies. The application should be organized in accordance with the format presented in the Program Guidelines. The original and each copy must be stapled and/or otherwise securely bound. All pages must be numbered clearly and sequentially. The application must be typed on plain 8½" x 11" white paper, using a 12 point font, and contain 1" margins all around. The Project Narrative, excluding the appendices, is limited to a total of 50 pages—the fronts and backs of 25 pieces of paper. The first 50 pages of the proposal will be considered; any pages exceeding this length will be removed from the proposal and will not be evaluated. Staff resumes, letters of support, memorandums of understanding (MOUs), budget justifications, samples of existing curriculum, samples of survey instruments and data collection forms, and research results and references may be included as part of an appendix and will not count toward the 50 pages limit. The application must also include a detailed budget justification, including a narrative and computation of expenditures for one year. The budget justification does not count toward the 50 pages limit.

An outline for the minimum information to be included in the "Project Narrative" section is presented below.

A. Program Plan

The applicant must describe, in detail, its approach for accomplishing each of the requirements identified in the funding opportunity description. The program plan must reference each requirement, and the material should be presented in the order in which it appears in the funding opportunity description. The applicant should demonstrate a full understanding of the need for the program, anticipating, prioritizing, and presenting likely components that will achieve overall goals and desired outcomes. The applicant should also identify potential problems and intended solutions. The applicant is free to recommend and describe other procedures that it believes will more effectively achieve the stated objectives, but needs to carefully relate alternatives and rationales to the approach recommended in the funding opportunity description.

The proposal should include curriculum outlines and sample agendas for one or more of the educational sessions described in the funding opportunity description. The applicant must provide a detailed description of the existing curriculum that will be adapted and used for the educational sessions. In addition, samples of the existing curriculum and results from any pilot or demonstration projects that used the curriculum should be provided. These samples and results may be included as part of the appendices.

B. Experience and Commitment of Key Personnel

The applicant must identify key personnel involved in the project based on the requirements described in funding opportunity description and other personnel adequate to support the administrative, logistical, financial, and scientific coordination aspects of the project within the time limits of the grant. The applicant must provide information on which task(s) each of the key personnel will perform and the rationale for that assignment. Resumes for all proposed personnel must be submitted with the application in the appendices.

C. Management Plan

The applicant should develop and propose a Management Plan. This plan includes a program schedule that lays out tasks and a time-line and identifies significant milestones for the accomplishment of the project. Specific staff responsibilities must be detailed in this schedule along with the number of hours that each person will devote to each task. The plan must provide, at a minimum, details pertaining to the four program phases (Program Planning, Development, and Recruitment; Educational Sessions; Maintenance Sessions; Program Evaluation/Write-Up) as they are outlined in the funding opportunity description.

D. Past Performance

Each applicant should describe its organization's relevant experience and success in managing this type of project. The applicant should also include a description of itself, the experience of its support personnel, and information about grantees, partners, and quality of cooperation between organization, staff, key personnel, and clients. Specific descriptions of relevant previous experience that the organization has performed within the past five years must be included. Include period of performance, dollar amount, name of program sponsor, and a letter of support from at least three different program sponsors. Letters of support may be included as part of the appendices.

Relevant previous experience may include, but is not limited to, the development of: Comprehensive campaigns or educational programs aimed at improving the health of women and/or men; health behavior modification programs; programs delivered in a variety of settings (*e.g.*, educational, hospital, community, etc.); obesity, physical activity, nutrition, chronic disease, or other illness prevention and risk modification programs; and previous collaborations with local and national organizations.

E. Appendices

Include documentation and other supporting information in this section, including staff resumes, letters of support, memorandums of understanding (MOUs), samples of existing curriculum, samples of survey instruments and data collection forms, and research results and references. The applicant should also include an MOU between the applicant and any other organization or entity with which it intends to collaborate/partner.

3. Submission Dates and Times

Submission Mechanisms

The Office of Public Health and Science (OPHS) provides multiple mechanisms for the submission of

applications, as described in the following sections. Applicants will receive notification via mail from the OPHS Office of Grants Management confirming the receipt of applications submitted using any of these mechanisms. Applications submitted to the OPHS Office of Grants Management after the deadlines described below will not be accepted for review. Applications which do not conform to the requirements of the grant announcement will not be accepted for review and will be returned to the applicant.

Applications may only be submitted electronically via the electronic submission mechanisms specified below. Any applications submitted via any other means of electronic communication, including facsimile or electronic mail, will not be accepted for review. While applications are accepted in hard copy, the use of the electronic application submission capabilities provided by the OPHS eGrants system or the Grants.gov Web site Portal is encouraged.

Electronic grant application submissions must be submitted no later than 5 p.m. Eastern Time on the deadline date specified in the **DATES** section of the announcement using one of the electronic submission mechanisms specified below. All required hard copy original signatures and mail-in items must be received by the OPHS Office of Grants Management no later than 5 p.m. Eastern Time on the next business day after the deadline date specified in the **DATES** section of the announcement.

Applications will not be considered valid until all electronic application components, hard copy original signatures, and mail-in items are received by the OPHS Office of Grants Management according to the deadlines specified above. Application submissions that do not adhere to the due date requirements will be considered late and will be deemed ineligible.

Applicants are encouraged to initiate electronic applications early in the application development process, and to submit early on the due date or before. This will aid in addressing any problems with submissions prior to the application deadline.

Electronic Submissions via the Grants.gov Web Site Portal

The Grants.gov Web site Portal provides organizations with the ability to submit applications for OPHS grant opportunities. Organizations must successfully complete the necessary registration processes in order to submit an application. Information about this system is available on the Grants.gov Web site, *http://www.grants.gov*.

In addition to electronically submitted materials, applicants may be required to submit hard copy signatures for certain program related forms, or original materials as required by the announcement. It is imperative that the applicant review both the grant announcement, as well as the application guidance provided within the Grants.gov application package, to determine such requirements. Any required hard copy materials, or documents that require a signature, must be submitted separately via mail to the OPHS Office of Grants Management, and, if required, must contain the original signature of an individual authorized to act for the applicant agency and the obligations imposed by the terms and conditions of the grant award.

Electronic applications submitted via the Grants.gov Web site Portal must contain all completed online forms required by the application kit, the Program Narrative, Budget Narrative and any appendices or exhibits. All required mail-in items must received by the due date requirements specified above. Mail-In items may only include publications, resumes, or organizational documentation.

Upon completion of a successful electronic application submission via the Grants.gov Website Portal, the applicant will be provided with a confirmation page from Grants.gov indicating the date and time (Eastern Time) of the electronic application submission, as well as the Grants.gov Receipt Number. It is critical that the applicant print and retain this confirmation for their records, as well as a copy of the entire application package.

All applications submitted via the Grants.gov Website Portal will be validated by Grants.gov. Any applications deemed "Invalid" by the Grants.gov Web site Portal will not be transferred to the OPHS eGrants system, and OPHS has no responsibility for any application that is not validated and transferred to OPHS from the Grants.gov Web site Portal. Grants.gov will notify the applicant regarding the application validation status. Once the application is successfully validated by the Grants.gov Web site Portal, applicants should immediately mail all required hard copy materials to the OPHS Office of Grants Management to be received by the deadlines specified above. It is critical that the applicant clearly identify the Organization name and Grants.gov Application Receipt Number on all hard copy materials.

Once the application is validated by Grants.gov, it will be electronically transferred to the OPHS eGrants system for processing. Upon receipt of both the electronic application from the Grants.gov Website Portal, and the required hard copy mail-in items, applicants will receive notification via mail from the OPHS Office of Grants Management confirming the receipt of the application submitted using the Grants.gov Web site Portal.

Applicants should contact Grants.gov regarding any questions or concerns regarding the electronic application process conducted through the Grants.gov Web site Portal.

Electronic Submissions via the OPHS eGrants System

The OPHS electronic grants management system, eGrants, provides for applications to be submitted electronically. Information about this system is available on the OPHS eGrants Web site, *https://egrants.osophs.dhhs.gov*, or may be requested from the OPHS Office of Grants Management at (240) 453–8822.

When submitting applications via the OPHS eGrants system, applicants are required to submit a hard copy of the application face page (Standard Form 424) with the original signature of an individual authorized to act for the applicant agency and assume the obligations imposed by the terms and conditions of the grant award. If required, applicants will also need to submit a hard copy of the Standard Form LLL and/or certain Program related forms (*e.g.*, Program Certifications) with the original signature of an individual authorized to act for the applicant agency.

Electronic applications submitted via the OPHS eGrants system must contain all completed online forms required by the application kit, the Program Narrative, Budget Narrative and any appendices or exhibits. The applicant may identify specific mail-in items to be sent to the Office of Grants Management separate from the electronic submission; however these mail-in items must be entered on the eGrants Application Checklist at the time of electronic submission, and must be received by the due date requirements specified above. Mail-In items may only include publications, resumes, or organizational documentation.

Upon completion of a successful electronic application submission, the OPHS eGrants system will provide the applicant with a confirmation page indicating the date and time (Eastern Time) of the electronic application submission. This confirmation page will

also provide a listing of all items that constitute the final application submission including all electronic application components, required hard copy original signatures, and mail-in items, as well as the mailing address of the OPHS Office of Grants Management where all required hard copy materials must be submitted.

As items are received by the OPHS Office of Grants Management, the electronic application status will be updated to reflect the receipt of mail-in items. It is recommended that the applicant monitor the status of their application in the OPHS eGrants system to ensure that all signatures and mail-in items are received.

Mailed or Hand-Delivered Hard Copy Applications

Applicants who submit applications in hard copy (via mail or hand-delivered) are required to submit an original and two copies of the application. The original application must be signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award.

Mailed or hand-delivered applications will be considered as meeting the deadline if they are received by the OPHS Office of Grant Management on or before 5:00 p.m. Eastern Time on the deadline date specified in the DATES section of the announcement. The application deadline date requirement specified in this announcement supersedes the instructions in the OPHS–1. Applications that do not meet the deadline will be returned to the applicant unread.

4. Intergovernmental Review

This program is subject to the Public Health Systems Reporting Requirements. Under these requirements, community-based and faith-based, non-governmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). Applicants shall submit a copy of the application face page (SF–424) and a one page summary of the project, called the Public Health System Impact Statement. The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based or faith-based, non-governmental organizations within their jurisdictions.

Community-based and faith-based, non-governmental applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the head of the appropriate state and local health agencies in the area(s) to be impacted: (a) a copy of the face page of the application (SF 424), (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) A description of the population to be served, (2) a summary of the services to be provided, and (3) a description of the coordination planned with the appropriate state or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to the DHHS/OWH.

This program is also subject to the requirements of Executive Order 12372 that allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit to be made available under this notice will contain a listing of States that have chosen to set up a review system and will include a State Single Point of Contact (SPOC) in the State for review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC in each affected State. A complete list of SPOCs may be found at the following Web site: *http://www.whitehouse.gov/omb/grants/spoc.html* The due date for State process recommendations is 60 days after the application deadline. The OWH does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See "Intergovernmental Review of Federal Programs," Executive Order 12372, and 45 CFR part 100 for a description of the review process and requirements.)

5. Funding Restrictions

Grant funds may be used to cover costs of:

Personnel.
Consultants.
Office supplies and software.
Educational, promotional and evaluation materials.
Screening supplies and equipment.
Grant related travel (domestic only).
Other grant related costs.

Grant funds may not be used for:

Building alterations or renovations.
Computers.
Construction.
Food.
Fund raising activities.
Medical treatment or therapy.
Political education and lobbying.
Other activities that are not grant related.

V. Application Review Information

1. Criteria

The technical review of applications will consider the following 4 factors:

A. Factor 1: Program Plan (40 points)

This factor will be evaluated by rating the applicant's approach to accomplishing each of the requirements identified in the funding opportunity description as demonstrated by the following:

Demonstrated understanding of the scope, goals, and objectives of the work required and the applicability and clarity of the overall approach.

Discussions detailing how each of the requirements will be performed and the appropriateness of all proposed methodologies and analyses.

Identification of potential problems and intended solutions.

Discussions detailing the criteria used for selecting sites, list of selected sites or locations of sites, and letters of support from each site, if possible.

Discussions of curriculum, including samples of the existing curriculum that will be adapted for the program and preliminary outlines and sample agendas for one or more of the educational sessions described in the funding opportunity description.

Potential for the success of the proposed program plan to improve healthy behaviors so as to reduce obesity/overweight of the targeted population.

B. Factor 2: Management Plan (30 points)

The applicant's staffing, scheduling, and logistics plans will be evaluated for their effectiveness in committing personnel and resources to provide high-quality service and products within the time frames set-forth. This evaluation is based on the following:

Realism of the proposed timeline and the personnel and resources assigned to complete each requirement.

Appropriateness of the proposed number of hours estimated for each requirement and each staff member.

Adequacy of organizational structure.

Adequacy of proposed plan to identify and solve potential problems.

Adequacy of proposed plan to monitor and report on program progress and ensure effective communication between program staff members and the DHHS/OWH.

C. Factor 3: Experience and Commitment of Key Personnel (20 Points)

This factor covers the qualifications of key personnel proposed to perform the work assigned to them and the amount of effort estimated for each person. This evaluation is based on the following:

Experience, education, and professional credentials of proposed key personnel on similar projects and in related fields (similar projects must convey similarity in topic, dollar value, workload, duration, and complexity).

Appropriateness of each person's skills and experience for performing the requirements in the funding opportunity description.

D. Factor 4: Past Performance (10 Points)

This factor will be evaluated by considering the number, size, and complexity of similar projects that the applicant has previously successfully completed. Relevant previous experience may include, but is not limited to, the development of: Comprehensive campaigns or educational programs aimed at improving the health of women and/or men; health behavior modification programs; programs delivered in a variety of settings, re. faith-based, clinical, collegiate, or community-based; obesity-related, re. diabetes, nutrition, physical activity, CHD; disease prevention and risk modification programs; and previous collaborations with national or local community organizations.

Also evaluated will be the applicant's adherence to schedules and budgets, effectiveness of program management, willingness to cooperate when difficulties arise, general compliance with the terms of the contracts, and acceptability of delivered products.

2. Review and Selection Process

Applications will be screened upon receipt. Those that are judged to be incomplete or arrive after the deadline will be returned without review or comment. If funding is requested in an amount greater than the ceiling of the award range ($98,000 for a 12-month budget period), the application will be considered non-responsive and will not be entered into the review process. The application will be returned with notification that it did not meet the submission requirements.

Applicants that are judged to be in compliance will be notified by the OPHS Office of Grants Management. Accepted applications will be evaluated based on the criteria listed in Section V.1 and reviewed for technical merit in accordance with DHHS policies. Applicants are advised to pay close attention to the specific program requirements and general instructions in the application kit and to the definitions provided in this notice.

Applications will be evaluated by an objective technical review panel composed of experts in the fields of program management, chronic disease, obesity/overweight, minority community outreach, health education, and community-based research. Consideration for award will be given to applicants that best demonstrate the potential to design a program that achieves the program goals stated in this announcement.

The Federal Government may conduct pre-award site visits of applicants with scores in the funding range prior to final selection. References may also be requested from these applicants and contacted to better evaluate prior relevant experience. Any applicant who believes the Government will find derogatory information as a result of checking the past performance record may provide an explanation and any remedial action taken by its company to address the problem. Funding decisions will be made by the DHHS/OWH, and will take into consideration the recommendations and ratings of the review panel, pre-award site visits and references, program needs, geographic location, and stated preferences.

Guidance for completing the budget can be found in the Program Guidelines, which are included with the complete application kits. The allowability, allocability, reasonableness, and necessity of direct and indirect costs that may be charged to OPHS grants are outlined in the following documents: OMB Circular A–21 (Institutions of Higher Education); OMB Circular A–87 (State and Local Governments); OMB Circular A–122 (Nonprofit Organizations); and 45 CFR part 74, Appendix E (Hospitals). Copies of the Office of Management and Budget (OMB) Circulars are available on the Internet at *http://www.whitehouse.gov/omb/grants/grants_circulars.html*. In order to claim indirect costs as part of a budget request, an applicant organization must have an indirect cost rate which has been negotiated with the Federal government. The Health and Human Services Division of Cost Allocation (DCA) Regional Office that is applicable to your State can provide information on how to receive such a rate. A list of DCA Regional Offices is included in the application kit for this announcement. Guidance for completing the budget can be found in the Program Guidelines, which are included with the complete application kits.

VI. Award Administration Information

1. *Award Notices:* Applicants selected for funding support will receive a Notice of Grant Award signed by the by the Director of the OPHS Office of Grants Management. This is the authorizing document and it will be sent electronically and followed up with a mailed copy.

2. *Administrative and National Policy Requirements:* (1) In accepting this award, the grantee stipulates that the award and any activities thereunder are subject to all provisions of 45 CFR parts 74 and 92, currently in effect or implemented during the period of this grant. (2) Requests that require prior approval from the awarding office (See Chapter 8, PHS Grants Policy Statement) must be submitted in writing to the OPHS Grants Management Officer. Only responses signed by the OPHS Grants Management Officer are to be considered valid. Grantees who take action on the basis of responses from other officials do so at their own risk. Such responses will not be considered binding by or upon the Office on Women's Health. (3) Responses to reporting requirements, conditions, and requests for post award amendments must be mailed to the attention and address of the Grants Management Officer indicated below in "Contacts." All correspondence should include the Federal grant number (item 4 on the Notice of Grant Award) and requires the signature of an authorized business official and/or the project director. Failure to follow this guidance will result in a delay in responding to your correspondence. (4) The HHS Appropriations Act requires that, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees shall clearly state the percentage and dollar amount of the total costs of the program or project which will be financed with Federal money and the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

3. *Reporting:* Grantees will submit 4 progress reports, a final report, and a final Financial Status Report in the format established by the DHHS/OWH, in accordance with provisions of the general regulations which apply under "Monitoring and Reporting Program Performance," 45 CFR parts 74 and 92. The purpose of the progress reports and final report is to provide accurate and

timely program information to program managers and to respond to Congressional, Departmental, and public requests for information about the program. Grantees shall prepare a progress report that outlines the status and progression of the project every 3 months. Grantees will be informed of the exact progress report due dates and means of submission after the award is made. The final report must describe all project activities for the entire 12-month period of the program including data analysis and program evaluation. DHHS/OWH shall provide an outline of the final report format and templates for required tables. A draft of the final report must be submitted six weeks prior to the end date of the award. DHHS/OWH will review the draft. Suggested revisions will be discussed individually during a conference call with each grantee. The mutually agreed upon revisions must be incorporated into the final report by the end date of the award.

The grantee shall assign one staff member to participate in a committee with other grantees and DHHS/OWH to prepare a joint manuscript suitable for a peer-reviewed journal. This manuscript shall combine and summarize data from all programs into one final evaluation. The jointly prepared manuscript must be submitted two weeks prior to the end date of award.

VII. Agency Contact(s)

For application kits and information on budget and business aspects of the application, please contact: OPHS Office of Grants Management, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852. Telephone: (240) 453–8822.

Questions regarding programmatic information and/or requests for technical assistance in the preparation of the "Project Narrative" should be directed in writing to: Henrietta (Retta) Terry, Public Health Advisor, Office on Women's Health, Office of Public Health and Science, DHHS, 200 Independence Ave., SW., Rm 712E, Washington, DC 20201. Telephone: 202–205–1952. E-mail: *hterry@osophs.dhhs.gov.*

VIII. Other Information

1. Background

A. Agency

The Office on Women's Health in the United States Department of Health and Human Services (DHHS/OWH) coordinates the efforts of all the DHHS agencies and offices involved in women's health. DHHS/OWH works to improve the health and well-being of women and girls in the United States through its innovative programs by educating health professionals and motivating behavior change in consumers through the dissemination of health information. To that end, the DHHS/OWH has established public/private partnerships to address health problems in women.

B. Obesity

In 2003–2004, 32.2% of adults were obese. If you are overweight or obese, carrying this extra weight puts you at risk for developing many diseases, especially heart disease, stroke, diabetes, cancer, and breathing problems such as asthma and sleep apnea. Ultimately, obesity can even be life-threatening. Annually in the United States, more than 300,000 deaths are linked to obesity. Losing weight helps to prevent and control these diseases. The good news is that even a modest weight loss can bring health improvements. In many cases, you can accomplish this by eating healthier, exercising, and changing behaviors. For people who don't respond to lifestyle changes, prescription medications, and surgical techniques are available to enhance the weight-loss process.

C. Women and Obesity

More than 65% of U.S. adults are overweight or obese. The percentage of obese adults varied little from 1960 to 1980, but increased considerably between 1980–1991, from 13–21 percent among men and from 17–26 percent among women. Among women, no significant increase in obesity was observed in 1999–2000 (33.4%) and 2003–2004 (33.2%). The prevalence of extreme obesity in women is 6.9%. More adult women are obese (33 percent) than men (28 percent). African American women (32.9%) had the highest rates of obesity. Faced with a history of negative experiences at the doctor's office, many obese women delay preventive medical visits, including those for gynecological cancer screening. Being overweight increases a woman's chance of developing breast, ovarian, cervical, and uterine cancer.

D. Women & Girls Ages 16–24

In 2003–2004, 17.1% of U.S. children and adolescents were overweight. Tests for trend were significant for male and female children and adolescents, indicating an increase in the prevalence of overweight in female children and adolescents from 13.8% in 1999–2000 to 16.0% in 2003–2004. Overweight adolescents have a 70% chance of becoming overweight or obese adults. Overweight in children/adolescents is generally caused by lack of physical activity, unhealthy eating patterns, or a combination of the two, with genetics and lifestyle both playing important roles. Physical activity levels drop sharply as girls become teenagers. By the age of 15 or 16, 28% of Caucasian girls and 58% of African American girls report no habitual leisure-time activity.

E. Racial and Ethnic Minority Women

In 2003–2004, significant differences in obesity prevalence remained by race/ethnicity and by age. Approximately 30% of non-Hispanic white adults were obese as were 45.0% of non-Hispanic black adults and 36.8% Mexican Americans. About 57% of Hispanic/Latino women, 56% of American Indians/Alaska Native women, 42.6% of Asian/Pacific Islander women and 55% of African American women do not exercise, compared to 38% of white women. Hispanic and black individuals, especially women, have a greater prevalence of excess weight compared to their white counterparts. In the 2003 national survey conducted by the American Heart Association, fewer African-American and Hispanic women than white women correctly cited heart disease as the leading cause of death among women.

F. Genetic Factors

Obesity tends to run in families, suggesting a genetic cause. Yet families also share diet and lifestyle habits that may contribute to obesity. Separating these from genetic factors is often difficult. Even so, science shows that heredity is linked to obesity. In one study, adults who were adopted as children were found to have weights closer to their biological parents than to their adoptive parents. In this case, the person's genetic makeup had more influence on the development of obesity than the environment in the adoptive family home.

G. Environmental Factors

Genes do not destine people to a lifetime of obesity; however, environment also strongly influences obesity. This includes lifestyle behaviors such as what a person eats and his or her level of physical activity. Americans tend to eat high-fat foods, and put taste and convenience ahead of nutrition. Also, most Americans do not get enough physical activity. Although you cannot change your genetic makeup, you can change your eating habits and levels of activity.

H. Obesity Interventions

Prevention programs that target high-risk women, particularly racial/ethnic minority women, have the potential to

reduce the incidence of obesity/overweight in the United States. Education is an essential component of health promotion efforts, and many programs aiming to prevent obesity focus on education as their primary goal. However, risk behavior modification, the process of translating knowledge into practice, is pivotal to achieving improved health outcomes. In particular, interventions that encourage women to establish a healthy weight and increase their levels of physical activity could dramatically affect obesity rates in the United States. These include:

Personalized risk assessment and screening.

Daily self-monitoring (log-sheets, exercise diaries, etc.).

Program and educational materials tailored to stages of the life cycle, readiness to change, needs and subgroup affiliation (*e.g.* racial group, low socioeconomic status, obese, etc.).

Behavioral reinforcement strategies such as contracts, verification procedures, incentives, lotteries, and team building.

Group sessions that incorporate physical activity.

Frequent contact via mail and phone.

Resource library on maintaining a health weight, nutrition, physical activity.

2. Definitions

For the purposes of this cooperative agreement program, the following definitions are provided:

Community-based: The locus of control and decision-making powers is located at the community level, representing the service area of the community or a significant segment of the community.

Community-based organization: Public and private, nonprofit organizations that are representative of communities or significant segments of communities.

Culturally competent/appropriate: Information and services provided at the educational level and in the language and cultural context that are most appropriate for the individuals for whom the information and services are intended. Additional information on cultural competency is available at the following Web site: *http://www.aoa.dhhs.gov/May2001/factsheets/Cultural-Competency.html.*

Partnership: A collaboration where both parties play a substantive role during all stages of the program including development, implementation and evaluation. Both parties must also be included and consulted when decisions are made on all aspects of the program.

Racial and Ethnic Minority Women: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian or Other Pacific Islander. (Revision to the Standards for the Classification of Federal Data on Race and Ethnicity, **Federal Register**, Vol. 62, No. 210, pg. 58782, October 30, 1997.)

Sustainability: An organization's or program's staying power: The capacity to maintain both the financial resources and the partnerships/linkages needed to provide the services demanded from an OWH program. It also involves the ability to survive change, incorporate needed changes, and seize opportunities provided by a changing environment.

Target: Put forth effort to ensure that members of a specific group of women are aware of the program and that components of the program are designed to be effective in reaching those populations. This includes creating program materials that are culturally competent for that specific group of women. This also includes training staff and health professionals to understand the unique needs, behaviors, cultures and concerns of members of the specific group of women. Targeting *does not* mean excluding other groups of women from the program.

Women-centered: (1) Taking into account the differences between heart disease in men and women and (2) addressing the needs and concerns of women in a way that is welcoming to women, fosters a commitment to women, treats women with dignity, and empowers women through respect and education.

3. Resources

http://www.healthierus.gov; http://www.mypyramid.gov; http://www.healthfinder.gov; http://www.womenshealth.gov.

Aim for a Healthy Weight: *http://www.nhlbi.nih.gov/health/public/heart/obesity/lose_wt/patmats.htm.*

Body Mass Index Calculator: *http://www.nhlbisupport.com/bmi/bmicalc.htm.*

Portion Distortion: *http://hin.nhlbi.nih.gov/portion.*

We Can! Families Finding the Balance—A Parent Handbook (in English or Spanish): *http://www.nhlbi.nih.gov/health/public/heart/obesity/wecan_mats/parent_hb_en.htm.*

Dietary Guidelines for Americans 2005: *http://www.usda.gov/cnpp/dietary_guidelines.html.*

Allison DB, Fontaine KR, Manson JE, Stevens J, VanItallie TB. Annual deaths attributable to obesity in the United States. *Journal of the American Medical Association*; 1999; 282(16):1530–1538.

NAASO Obesity Society. Web site: *http://www.nasso.obesity.org.*

National Heart, Lung, and Blood Institute. *Clinical Guidelines on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults.* Department of Health and Human Services, National Institutes of Health; 1998. NIH Publication No. 98–4083.

National Heart, Lung, and Blood Institute. *Working Group on Competencies for Overweight and Obesity Identification, Prevention and Treatment*, 2005.

National Task Force on Prevention and Treatment of Obesity. Overweight, obesity, and health risk. *Archives of Internal Medicine.* 2000; 160(7):898–904.

Partnership for Healthy Weight Management. Weight Loss: Finding a Weight Loss Program that Works for You. 2000. Phone: 1–888–8–PUEBLO. Web site: *www.consumer.gov/weightloss/brochures.htm.*

Partnership for Healthy Weight Management. Setting Goals for Healthy Weight Loss. 1999. Phone: 1–888–8–PUEBLO. Web site: *http://www.consumer.gov/weightloss/brochures.htm.*

The President's Council on Physical Fitness and Sports, Department of Health and Human Services. Exercise and Weight Control. Web site: *http://www.fitness.gov/Reading_Room/reading_room.html.*

Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity. Web site: *http://www.surgeongeneral.gov/topics/obesity.*

U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans. 2000. Phone: 1–888–878–3256. Web site: *http://www.usda.gov/cnpp* or *http://www.health.gov/dietaryguidelines.*

Dated: June 7, 2006.

Wanda K. Jones,

Deputy Assistant Secretary for Health (Women's Health).

[FR Doc. E6–9640 Filed 6–19–06; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panels (SEP): Demonstration Project for Identifying Individuals at High-Risk for Chronic Kidney Disease in the United States, Request for Applications (RFA) DP 06–004

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the Following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Demonstration Project for Identifying Individuals at High-Risk for Chronic Kidney Disease in the United States, RFA DP 06–004.

Time and Date: 1 p.m.–3 p.m., July 31, 2006 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to "Demonstration Project for Identifying Individuals at High-Risk for Chronic Kidney Disease in the United States," RFA DP 06–004.

For Further Information Contact: J. Felix Rogers, Ph.D., M.P.H., Scientific Review Administrator, Office of Extramural Research, CDC, 4770 Buford Highway NE. Mailstop K–92, Atlanta, GA 30341, Telephone 770.488.6521.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 14, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–9647 Filed 6–19–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: National Mesothelioma Virtual Registry and Tissue Bank, Request for Applications (RFA) OH–06–005; Occupational Health and Safety Research, Program Announcement (PA) 04–038; and Career Development Grants in Occupational Health and Safety Research, PA 04–105

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: National Mesothelioma Virtual Registry and Tissue Bank, Request for Applications (RFA) OH–06–005; Occupational Health and Safety Research, PA 04–038; and Career Development Grants in Occupational Health and Safety Research, PA 04–105.

Time and Date: 1 p.m.—5 p.m., July 5, 2006 (Closed).

Place: Teleconference originating from the office of Dr. Charles Rafferty, 2400 Century Parkway, NE., Room 4306, Atlanta, GA 30345.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of research grants in response to "National Mesothelioma Virtual Registry and Tissue Bank," Request for Applications (RFA) OH–06–005; "Occupational Health and Safety Research," PA 04–038; and "Career Development Grants in Occupational Health and Safety Research," PA 04–105.

For Further Information Contact: Charles N. Rafferty, Ph.D., Scientific Review Administrator, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1600 Clifton Road, Mailstop E–74, Atlanta, Georgia 30333, phone (404) 498–2582.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 13, 2006.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E6–9648 Filed 6–19–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Amendment of February 4, 2004, Order to Embargo Birds and Bird Products Imported From Djibouti

SUMMARY: On February 4, 2004, the Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services issued an order to ban immediately the import of all birds (Class: *Aves*) from specified countries, subject to limited exemptions for returning pet birds of U.S. origin and certain processed bird-derived products. HHS/CDC took this step because birds from these countries potentially can infect humans with avian influenza (influenza A/[H5N1]). The February 4, 2004, order complemented a similar action taken at the same time by the Animal and Plant Health Inspection Service (APHIS) within the U.S. Department of Agriculture (USDA).

On March 10, 2004, HHS/CDC lifted the embargo of birds and bird products from the Hong Kong Special Administrative Region (HKSAR) because of the documented public-health and animal health measures taken by Hong Kong officials to prevent spread of the outbreak within the HKSAR, and the absence of highly pathogenic avian influenza H5N1 cases in Hong Kong's domestic and wild bird populations. USDA/APHIS took a similar action. On September 28, 2004, HHS/CDC extended the embargo on birds and bird products to include Malaysia because of the documented cases of highly pathogenic avian influenza A H5N1 in poultry in Malaysia. On July 20, 2005, USDA/APHIS adopted as a final rule the interim rule that became effective on February 4, 2004, which amended its regulations to prohibit or restrict the importation of birds, poultry, and unprocessed birds and poultry products from regions that have reported the presence of highly pathogenic avian influenza H5N1 in poultry. (*See* 70 FR 41608 [July 20, 2005].) As the United Nations Food and Agriculture Organization and the World

Organization for Animal Health (OlE) have confirmed additional cases of highly pathogenic avian influenza (H5N1), USDA/APHIS has added additional countries to its ban. Because of the documentation of highly pathogenic avian influenza H5N1 in poultry, HHS/CDC added the following countries to its embargo: Kazakhstan, Romania, Russia, Turkey, and Ukraine on December 29, 2005; Nigeria on February 8, 2006; India on February 22, 2006; Egypt on February 27, 2006; Niger on March 2, 2006; Albania, Azerbaijan, Cameroon, and Burma (Myanmar) on March 15, 2006; Israel on March 20, 2006; Afghanistan on March 21, 2006; Jordan on March 29, 2006; Burkina Faso on April 10, 2006; Pakistan on April 10, 2006; Gaza, the West Bank, and the Ivory Coast (Côte d'Ivoire) on April 28, 2006; and Sudan on May 16, 2006.

On May 27, 2006, OlE reported confirmation of highly pathogenic avian influenza H5N1 in poultry in Djibouti. At this time, HHS/CDC is adding Djibouti to its current embargo. USDA has also taken a similar action with respect to this region. This action is effective on June 2, 2006, and will remain in effect until further notice.

SUPPLEMENTARY INFORMATION:

Background

On May 27, 2006, OlE reported confirmation of highly pathogenic avian influenza H5N1 in poultry in Djibouti city region, Djibouti.

Introduction of birds infected with highly pathogenic avian influenza H5N1 into the United States could lead to outbreaks of disease among birds and among the human population, a significant public health threat. Banning the importation of all avian species from affected countries is an effective means of limiting this threat. HHS/CDC is therefore taking this action to reduce the likelihood of introduction or spread of influenza A H5N1 into the United States.

Immediate Action

Therefore, pursuant to 42 CFR 71.32(b), HHS/CDC is amending the February 4, 2004, order to add Djibouti to the list of countries subject to the order's embargo of birds and products derived from birds. All other portions of the February 4, 2004, order, as further amended on March 10, 2004, September 28, 2004, December 29, 2005, February 8, 2006, February 22, 2006, February 27, 2006, March 2, 2006, March 15, 2006, March 20, 2006, March 21, 2006; March 29, 2006; April 10, 2006; April 10, 2006; April 28, 2006; and May 16, 2006 shall remain in effect until further notice.

Julie Louise Gerberding,

Director, Centers for Disease Control and Prevention.

[FR Doc. E6–9646 Filed 6–19–06; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Ophthalmic Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Ophthalmic Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 14, 2006, from 8 a.m. to 6 p.m.

Location: Hilton Washington DC North/Gaithersburg, Montgomery Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Sara M. Thornton, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2053 x 127, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512396. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will hear a presentation on FDA's Critical Path Initiative and a presentation by the Office of Surveillance and Biometrics, Center for Devices and Radiological Health, outlining their responsibility for the review of postmarket study design. Subsequently, the committee will discuss, make recommendations, and vote on a premarket approval application for an implantable miniature telescope (IMT). The IMT™ is a visual prosthetic device which, when combined with the optics of the cornea, constitutes a telephoto lens and is indicated for use in patients with bilateral, stable macular degeneration and other bilateral, stable untreatable central vision disorders. Background information, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at *http://www.fda.gov/cdrh/panel* (click on "Upcoming CDRH Advisory Committee/ Panel Meetings").

Procedure: On July 14, 2006, from 8:45 a.m. to 6 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before July 5, 2006. Oral presentations from the public will be scheduled between approximately 9:45 a.m. and 10:15 a.m., and between approximately 3:30 p.m. and 4 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 5, 2006.

Closed Committee Deliberations: On July 14, 2006, from 8 a.m. to 8:45 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)). This information is relevant to pending and future device submissions for vitreoretinal, surgical and diagnostic devices, intraocular and corneal implants, and contact lenses.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, at 301–827–7291 at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app.2).

Dated: June 12, 2006.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E6–9601 Filed 6–19–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0228]

Draft Guidance for Industry and Food and Drug Administration Staff; the Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled "The Review and Inspection of Premarket Approval Applications under the Bioresearch Monitoring Program." One of the performance goals, referenced in a letter to Congress from the Secretary of Health and Human Services that accompanied the Medical Device User Fee and Modernization Act of 2002 (MDUFMA) legislation, includes a commitment to improve FDA's scheduling and timeliness of preapproval inspections. This draft guidance document is intended to assist applicants in understanding the process involved in the bioresearch monitoring (BIMO) review of the clinical and nonclinical information in their premarket approval application (PMA) and the process involved in any related inspections. Premarket notification (510(k)) submissions are not addressed in this draft guidance because a premarket inspection is not ordinarily conducted for 510(k)s. This draft guidance is not final nor is it in effect at this time.

DATES: Submit written or electronic comments on this draft guidance by September 18, 2006.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled "The Review and Inspection of Premarket Approval Applications under the Bioresearch Monitoring Program" to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240–276–3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Matthew J. Tarosky, Center for Devices and Radiological Health (HFZ–310), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 240–270–0243.

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2002, MDUFMA (Public Law 107–250) was signed into law. Among other things, MDUMFA authorized the collection of user fees to improve the performance and predictability of FDA's device review program, including PMAs. FDA, in consultation with the regulated industry, agreed to dedicate user fees to helping the agency meet the performance goals outlined in a letter from the Secretary of Health and Human Services to Congress that accompanied the user fee legislation. One such goal included a commitment to "improve the scheduling and timeliness of preapproval inspections." A portion of the user fees collected under MDUFMA will be used to help to cover the costs associated with the BIMO program review of the PMA and the performance of any clinical or nonclinical inspections. FDA will monitor its BIMO preapproval inspection program and include this information in its annual performance report to Congress.

This draft guidance provides information about the administrative process and timeframes within which the BIMO review of the PMA clinical and nonclinical sections should be completed. Use of this draft guidance should facilitate FDA's timely review and inspection of the PMA clinical and nonclinical information and improve the coordination of a preapproval inspection between the applicant and FDA.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized will represent the agency's current thinking on "The Review and Inspection of Premarket Approval Applications under the Bioresearch Monitoring Program." It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may also do so by using the Internet. To receive "The Review and Inspection of Premarket Approval Applications under the Bioresearch Monitoring Program," you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1602 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-related information. The CDRH web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 USC 3501–3520) (the PRA). The collections of information addressed in 21 CFR part 814 have been approved by OMB under OMB Control No. 0910–0231.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the

heading of this document. Comments received may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 8, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–9653 Filed 6–19–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB review; Comment Request; Environmental Factors in the Development of Polycystic Ovary Syndrome

Summary: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 20, 2006, pages 3310–3311 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Environmental Factors in the Development of Polycystic Ovary Syndrome.

Type of Information Collection Request: Revision of OMB No. 0925–0483 and expiration date 3/31/2006.

Need and Use of Information Collection: The purpose of this study is to identify a cohort of living female twin pairs in which at least one member is likely to have Polycystic Ovary Syndrome (PCOS) for future study. Potential participants (-2,200) will come from the Mid-Atlantic Twin Registry (MATR) and were chosen based on their answers to several questions (in a preliminary MATR survey) concerning irregular periods and a history of polycystic cystic ovaries. The instrument to be used here will be administered by telephone by professional interviewers at the MATR. It contains 17 simple and direct questions and will take about 10 minutes to complete. It contents deal with the frequency of menstrual periods, a history of polycystic ovaries, obesity, excess facial hair and other evidence of hyperandrogenism. Since this is such a short telephone survey, participants will receive no prior notification. Informed consent will be asked for verbally over the phone at the time of the interview. A; participants will be asked about their willingness to participate in future studies if their answers meet certain criteria. The major objectives of future studies using this cohort are to determine more reliable concordance rates for PCOS in monozygotic and diygotic twins, establish baseline heritability estimates, and develop hypotheses concerning possible pathogenetic and/or environmental factors. The findings from this study will aid in developing: (1) Genetic tests to identify high risk women; (2) preventative strategies; and (3) more effective therapies for PCOS and related syndromes such as type 2 diabetes, obesity, idiopathic hyperandrogenism, and male pattern baldness. *Frequency of Response:* One time. *Affected Public:* Individuals or households. *Type of Respondents:* Adult women. The annual reporting burden is as follows: *Estimated Number of Respondents:* 2,200; *Estimated Number of Responses Per Respondent:* 1; *Average Burden Hours Per Response:* 0.167; and *Estimated Total Annual Burden Hours Requested:* 122 per year for 3 more years. The annualized costs to respondents is estimated at $2,050.38. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the fuction of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality utility and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technology collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Patricia C. Chulada, Clinical Research Scientist, Clinical Research Office, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541–7736 or e-mail your request, including your address to: *chulada@niehs.nih.gov.*

Comments Due Date: Comments regarding this infomation collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: March 27, 2006.

Richard A. Freed,

NIEHS Associate Director for Management.

[FR Doc. 06–5527 Filed 6–19–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Aggression Prevention Among High-Risk Early Adolescents

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Aggression Prevention Among High-Risk Early Adolescents Study. *Type of Information Collection Request:* EXTENSION, OMB control number 0925–0523, expiration date 9/30/2006. *Use of Information:* This study will assess the efficacy of an in-school, group-mentoring intervention designed to foster academic engagement and prevent aggressive and deviant behavior among early adolescents (approximately ages 11–12). The primary objectives of the study are to determine if participation in a weekly group-mentoring program during 6th grade

significantly impacts adolescents' attitudes and behaviors regarding school engagement and aggression above and beyond educational materials for youth and parents. The findings will provide valuable information concerning: (1) The efficacy of in-school group-mentoring programs for improving youth attitudes, expectations, intent/motivation, and social competence; and (2) the extent to which such improvement increases academic engagement and decreases aggressive and deviant behavior among high-risk youth. *Frequency of Response:* 3 times for youth; 1 time for parents. *Affected Public:* Individuals or households. *Type of Respondents:* Adolescents and parents/guardians. The annual reporting burden is as follows: *Estimated Number of Respondents:* 427 early adolescents and 150 parents; *Estimated Number of Responses per Respondent:* 2 for 6th graders, 1 for 7th graders, 1 for parents; *Average Burden Hours Per Response:* 1; and *Estimated Total Annual Burden Hours Requested:* 1177. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Type of respondents	Estimated number of respondents	Estimated number responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
6th graders	300	2	1.0	600
7th graders	277	1	1.0	277
Parents/guardian	300	1	1.0	300
Total	877			1177

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Bruce Simons-Morton, Ed.D, 6100 Executive Blvd., Suite 7B13M, Rockville, MD 20852. Telephone 301–493–5674. e-mail: *mortonb@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: June 12, 2006.

Paul Johnson,

NICHD Project Clearance Liaison, National Institutes of Health.

[FR Doc. E6–9618 Filed 6–19–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1646–DR]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–1646–DR), dated June 5, 2006, and related determinations.

DATES: *Effective Date:* June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 5, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of California resulting from severe storms, flooding, landslides, and mudslides during the period of March 29 to April 16, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Michael H. Smith, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared major disaster:

Alameda, Amador, Calaveras, El Dorado, Lake, Madera, Marin, Merced, Napa, Nevada, Placer, San Joaquin, San Mateo, Santa Cruz, Sonoma, Stanislaus, and Tuolumne Counties for Public Assistance.

All counties within the State of California are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations;

97.050 Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9626 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1644–DR]

Maine; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Maine (FEMA–1644–DR), dated May 25, 2006, and related determinations.

DATES: *Effective Date:* May 23, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective May 23, 2006.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9619 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1642–DR]

Massachusetts; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Massachusetts (FEMA–1642–DR), dated May 25, 2006, and related determinations.

DATES: *Effective Date:* June 9, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Massachusetts is hereby amended to include the Public Assistance Program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 25, 2006:

Essex and Middlesex Counties for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9621 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1642–DR]

Massachusetts; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Massachusetts (FEMA–1642–DR), dated May 25, 2006, and related determinations.

DATES: *Effective Date:* May 23, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective May 23, 2006.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9622 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1648–DR]

Minnesota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Minnesota

(FEMA–1648–DR), dated June 5, 2006, and related determinations.

DATES: *Effective Date:* June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 5, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from flooding during the period of March 30 to May 3, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Minnesota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Ron Sherman, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Minnesota to have been affected adversely by this declared major disaster:

Becker, Clay, Kittson, Marshall, Norman, Polk, Red Lake, Roseau, and Wilkin Counties for Public Assistance.

All counties within the State of Minnesota are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9624 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1643–DR]

New Hampshire; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Hampshire (FEMA–1643–DR), dated May 25, 2006, and related determinations.

DATES: *Effective Date:* May 23, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective May 23, 2006.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9620 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1645–DR]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–1645–DR), dated June 5, 2006, and related determinations.

DATES: *Effective Date:* June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 5, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from severe storms, flooding, and ground saturation during the period of March 30 to April 30, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Tony Russell, of FEMA is appointed to act as the Federal

Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Dakota to have been affected adversely by this declared major disaster:

Cass, Cavalier, Grand Forks, Pembina, Ransom, Richland, Rolette, Sargent, Towner, Traill, and Walsh Counties and the Turtle Mountain Band of Chippewa Indian Reservation for Public Assistance.

All counties and tribal nations within the State of North Dakota are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9627 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1647–DR]

South Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–1647–DR), dated June 5, 2006, and related determinations.

DATES: *Effective Date:* June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 5, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of South Dakota resulting from a severe winter storm during the period of April 18–20, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Director, under Executive Order 12148, as amended, Tony Russell, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of South Dakota to have been affected adversely by this declared major disaster:

Bennett, Butte, Harding, Jackson, Meade, and Perkins Counties for Public Assistance.

All counties within the State of South Dakota are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

[FR Doc. E6–9625 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1624–DR]

Texas; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–1624–DR), dated January 11, 2006, and related determinations.

DATES: *Effective Date:* May 17, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 11, 2006:

Johnson County for Individual Assistance (already designated for Public Assistance Category B (emergency protective measures), subject to subsequent designation by FEMA for reimbursement.)

Collingsworth, Donley, and Lipscomb Counties for Category F (utilities) under the Public Assistance program (already designated for Public Assistance Category B (emergency protective measures)). All categories of assistance under the Public Assistance program are subject to subsequent designation by FEMA for reimbursement.

Eastland, Gray, Hutchinson, and Wheeler Counties for Category F (utilities) under the Public Assistance program (already designated for Individual Assistance and Public Assistance Category B (emergency protective measures)). All categories of assistance under the Public Assistance program are subject to subsequent designation by FEMA for reimbursement.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance

Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Acting Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–9623 Filed 6–19–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5044–N–11]

Notice of Proposed Information Collection for Public Comments for the Indian Community Development Block Grant (ICDBG) Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 21, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Lillian L. Deitzer, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Room 8001, Washington, DC 20410–5000 or e-mail: *Lillian_L._Deitzer@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Aneita Waites, (202) 708–0614, extension 4116. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses. This Notice also lists the following information:

Title of Proposal: Indian Community Development Block Grant Program (ICDBG).

OMB Control Number: 2577–0191.

Description of the need for the information and proposed use: The Indian Community Development Block Grant Program for Indian tribes and Alaska Native villages requires eligible applicants to submit information to enable HUD to select the best projects for funding during annual competitions. HUD uses the information to determine whether applications meet minimum screening eligibility requirements and application submission requirements. They provide general information about the project and are preliminary to the review of the applicant's response to the criteria for rating the application. The information is collected at the time of grant application and is required to identify the applicant, describe the project, and comply with requirements of law or regulation. Additionally, the requirements are essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars.

Agency form numbers, if applicable: Form HUD–4123, HUD–4125, HUD–2880 HUD–2993 and SF 424.

Members of affected public: Tribal Governments.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 225 respondents based on the Department's prior competition experience for this program, once each time the applicant decides to compete, an average of 3 hours per application, for a total reporting burden of 660 hours.

Status of the proposed information collection: Extension of currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: June 13, 2006.

Bessy Kong,

Deputy Assistant Secretary, Office Policy, Program and Legislative Initiatives.

[FR Doc. E6–9599 Filed 6–19–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–37]

Home Mortgage Disclosure Act (HMDA) Loan/Application Register

AGENCY: Office of the Chief Information Officer, HUD

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This report collects information from mortgage lenders on application for, and originations and purchases of, mortgage and home improvement loans. Non-depository mortgage lending institutions are required to use the report as a running log throughout the calendar year, and send the report to HUD by March 1 of the following calendar year.

DATES: *Comments Due Date:* July 20, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0539) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Home Mortgage Disclosure Act (HMDA) Loan/ Application Register.

OMB Approval Number: 2502–0539.

Form Numbers: FR HMDA–LAR.

Description of the Need for the Information and Its Proposed Use: This report collects information from mortgage lenders on application for, and originations and purchases of, mortgage and home improvement loans. Non-depository mortgage lending institutions are required to use the report as a running log throughout the calendar year, and send the report to HUD by March 1 of the following calendar year.

Frequency of Submission: On occasion, annually.

	Number of respondents	Annual responses	x	Hours per response	=	Burden hours
Reporting Burden	1,400	1		120		168,000

Total Estimated Burden Hours: 168,000.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 15, 2006.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–9683 Filed 6–19–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4922–N–15; HUD–2006–0178]

Privacy Act; Proposed New Systems of Records

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Establish a new Privacy Act System of Records.

SUMMARY: The Department of Housing and Urban Development HUD proposes to establish a new record system to add to its inventory of systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed new system of record is the Single Family Acquired Asset Management System (SAMS), HUD/HS–52. SAMS contains information about purchasers involved in the sale of HUD/FHA single-family homes, successful bidders of HUD-owned properties, HUD employees and contractors.

DATES: *Effective Date:* This action shall be effective without further notice in 30 calendar days unless comments are received during or before this period that would result in a contrary determination.

Comments Due Date: July 20, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jeanette Smith, Departmental Privacy Act Officer, 451 Seventh St., SW., Room P8001, Washington, DC 20410, Telephone Number (202) 708–2374. (This is not a toll-free number.) A telecommunication device for hearing and speech-impaired individuals (TTY) is available at (800) 877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended notice is given that HUD proposes to establish a new system of records as identified as the Single Family Acquired Asset Management System (SAMS), HUD/HS–52.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be afforded a 30-day period in which to comment on the new system of records.

The new system report was submitted to the Office of Management and Budget (OMB), the Senate Committee on Governmental Affairs, and the House Committee on Government Reform pursuant to paragraph 4c of Appendix 1 to OMB Circular No. A–130, "Federal Responsibilities for Maintaining Records About Individuals," July 25, 1994 (59 FR 37914).

Authority: 5 U.S.C. 552a 88 Stat. 1896; 42 U.S.C. 3535(d).

Dated: June 7, 2006.

Lisa Schlosser,

Chief Information Officer.

SYSTEM NAME:

Single Family Acquired Asset Management System (SAMS—A80S)

SYSTEM LOCATION:

Charlestown, West Virginia

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are covered by this system include successful bidders of a HUD-owned property.

Also, individuals involved in the sale of HUD/FHA single-family homes Management and Marketing contractors (M&M), HUD employees, brokers, Name and Address identifier contractors, and financial control contractors.

CATEGORIES OF RECORD IN THE SYSTEM:

Files contain identifying information about purchasers, such as name, Social Security Number, and current address. In addition, the files contain appraisal information, tax payments, sales offer information, HUD–1, contract information, vendor information, 1099 information, and accounting transactions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act as amended (12 U.S.C. 1702 *et seq.*).

PURPOSE:

SAMS is a management and accounting system for HUD owned and HUD managed single-family properties. The re-engineered application was introduced into production in 1996. SAMS supports HUD staff at Headquarters and Homeownership Centers (HOCs), and HUD's Management and Marketing (M&M) contractors to track single-family properties from their acquisition by HUD through the steps necessary to resell the properties. SAMS captures

pertinent data relating to the properties, including acquisition, maintenance and sales cost, property description and value, bids and sales proceeds, and special program designations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act other routine uses include:

(a) To General Accounting Office (GAO) for audit purposes.

(b) IRS for tax purposes.

(c) Inspector General Office (IG) for audit purposes.

(d) Management and Marketing contractors for processing the sale of HUD Homes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically in a computer mainframe.

RETRIEVABILITY:

Records may be retrieved by computer search by the FHA Case Number, Property Address, or Purchaser's name and/or social security number.

SAFEGUARDS:

Records are maintained in a secured computer network behind HUD's firewall. Access is limited to authorize personnel.

RETENTION AND DISPOSAL:

Information is archived electronically and stored on magnetic tapes. Records will be retained and disposed of in accordance with the General Records Schedule included in HUD Handbook 2228.2, appendix 14, items 21–26.

SYSTEM MANAGER AND ADDRESS:

Jeannie Bonifer, Office of Single Family Asset Management, 451 7th Street, SW., Room 9184, Washington, DC 20410.

NOTIFICATION AND RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC. Written requests must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request.

CONTESTING RECORD PROCEDURES:

Procedures for the amendment or correction of records, and for applicants want to appeal initial agency determination appear in 24 CFR part 16.

RECORD SOURCE CATEGORIES:

Purchasers, Brokers, appraisers, contractors, and HUD employees.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. E6–9600 Filed 6–19–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Renewal To Be Sent to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act; OMB Control Number 1018–0012; Declaration for Importation or Exportation of Fish or Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) will ask OMB to renew approval for our information collection associated with the importation or exportation of fish or wildlife. The current OMB control number for this information collection is 1018–0012, which expires on December 31, 2006. We will request that OMB renew approval of this information collection for a 3-year term. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this information collection.

DATES: You must submit comments on or before August 21, 2006.

ADDRESSES: Send your comments to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 N. Fairfax Drive, Arlington, VA 22203 (mail); *hope_grey@fws.gov* (e-mail); or (703) 358–2269 (fax).

FOR FURTHER INFORMATION CONTACT: To request additional information about this information collection request or the related forms, contact Hope Grey at one at the addresses above or by telephone at (703) 358–2482.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

The Endangered Species Act (16 U.S.C. 1531 et seq.) makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the Act or upholding the Convention on International Trade in Endangered Species (CITES) (see 16 U.S.C. 1538(e)). Any business or individual importing into or exporting from the United States any fish, wildlife, or wildlife product must complete FWS Form 3–177 (Declaration for Importation or Exportation of Fish or Wildlife). This form as well as FWS Form 3–177a (Continuation Sheet) and instructions for completion are available for electronic submission at *https://edecs.fws.gov*.

The information that we collect is unique to each wildlife shipment and enables us to accurately inspect the contents of the shipment; enforce any regulations that pertain to the fish, wildlife, or wildlife products contained in the shipment; and maintain records of the importation and exportation of these commodities. Additionally, since the United States is a member of CITES, we compile much of the collected information in an annual report that we forward to the CITES Secretariat in Geneva, Switzerland. Submission of an annual report on the number and types of imports and exports of fish, wildlife, and wildlife products is one of our treaty obligations under CITES. We also use the information obtained from FWS Form 3–177 as an enforcement tool and management aid in monitoring the international wildlife market and detecting trends and changes in the commercial trade of fish, wildlife, and wildlife products. Our Division of Scientific Authority and Division of Management Authority use this information to assess the need for additional protection for native species. In addition, nongovernmental organizations, including the commercial wildlife community, request information from us that we obtain from FWS Form 3–177.

Businesses or individuals must file FWS Form 3–177 with us at the time and port where they request clearance of the import or export of wildlife or wildlife products. In certain instances, FWS Form 3–177 may be filed with U.S. Customs and Border Protection. The standard information collection

includes the name of the importer or exporter and broker, the scientific and common name of the fish or wildlife, permit numbers (if permits are required), a description of the fish or wildlife, quantity and value of the fish or wildlife, and natural country of origin of the fish or wildlife. In addition, certain information, such as the airway bill or bill of lading number, the location of the fish or wildlife for inspection, and the number of cartons containing fish or wildlife, assists our wildlife inspectors if a physical examination of the shipment is required. This information collection is part of a system of records covered by the Privacy Act (5 U.S.C. 552(a)).

Title: Declaration for Importation or Exportation of Fish or Wildlife, 50 CFR 14.61–14.64.

OMB Control Number: 1018–0012.

Service Form Number: 3–177 and 3–177a.

Frequency of Collection: On occasion, whenever clearance is requested for an importation or exportation of fish, wildlife, or wildlife products.

Description of Respondents: Businesses or individuals that import or export fish, wildlife, or wildlife products; scientific institutions that import or export fish or wildlife scientific specimens; government agencies that import or export fish or wildlife specimens for various purposes.

Number of Respondents: 25,000.

Total Annual Responses: 168,920. We estimate that 94,595 (56 percent) will be electronic submissions and 74,325 (44 percent) will be hard copy submissions.

Total Annual Burden Hours: 28,379 hours. We estimate the reporting burden to average 14 minutes per response when completed by hand and 7 minutes per response for electronic submissions.

Type of submission	Number of responses	Average time/ response (minutes)	Total burden hours
Electronic	94,595	7	11,036
Hard Copy	74,325	14	17,343
Total	168,920		28,379

We invite comments concerning this information collection on: (1) Whether or not the collection of information is useful and necessary for us to do our job, (2) the accuracy of our estimate of the burden on the public to complete the form; (3) ways to enhance the quality and clarity of the information to be collected; and (4) ways to minimize the burden of the collection on respondents. Comments submitted in response to this notice are a matter of public record. We will include and/or summarize each comment in our request to OMB to renew approval for this information collection.

Dated: June 8, 2006.

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

[FR Doc. E6–9672 Filed 6–19–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Chickasaw, Hatchie, Lower Hatchie, Reelfoot, and Lake Isom National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of the Final Comprehensive Conservation Plans and Findings of No Significant Impact for Chickasaw National Wildlife Refuge in Lauderdale County, Tennessee; Hatchie National Wildlife Refuge in Haywood County, Tennessee; Lower Hatchie Nainotal Wildlife Refuge in Lauderdale and Tipton Counties, Tennessee; and Reelfoot and Lake Isom National Wildlife Refuges in Obion and Lake Counties, Tennessee, and Fulton County, Kentucky.

SUMMARY: The Fish and Wildlife Service announces that Final Comprehensive Conservation Plans and Findings of No Significant Impact for the above referenced refuges are available for distribution. The plans were prepared pursuant to the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969, and describe how the refuges will be managed over the next 15 years.

ADDRESSES: Copies of these plans may be obtained by writing to: Randy Cook, West Tennessee Refuges, 301 N. Church, Room 201, Dyersburg, Tennessee 38024; Telephone 731/287–0650. The plans may also be accessed and downloaded from the Service's Internet Web site *http://southeast.fws.gov/planning/*.

SUPPLEMENTARY INFORMATION: The availability of the draft comprehensive conservation plans and environmental assessments for a 45-day review period was announced in the **Federal Register** on January 4, 2006 (71 FR 353). The Service evaluated four alternatives for managing the refuges and selected Alternative D as the preferred alternative. This alternative was developed based on public input and the best professional judgment of the planning team. Under Alternative D, refuge lands will be more intensely managed than at present to provide high-quality habitat for wildlife, which will work toward fulfilling the habitat objectives outlined in the Mississippi Alluvial Valley Migratory Bird Initiative, and will include significant benefits for waterfowl, shorebirds, and neotropical migratory birds. This alternative will significantly benefit wetland-dependent migratory bird species by increasing and enhancing breeding, wintering, and migration habitats. This alternative contributes directly to the objectives of the Lower Mississippi Joint Venture of the North American Waterfowl Management Plan, the partners in Flight—Mississippi Alluvial Valley Habitat Conservation Plan, the United States Shorebird Conservation Plan, West Tennessee Wildlife Resources Conservation Plan, and the North American Woodcock Plan. It provides integrated migratory bird management objectives in a landscape-level, biologically driven framework, which includes creating and maintaining additional moist-soil units and restoring bottomland hardwood forest habitats.

Fisheries management will be emphasized and, where appropriate, restored for native diversity within the floodplain. Refuge habitats will be managed and restored for natural diversity in support of national and regional plans. Forest management will address the need to restore and enhance the red oak component for migratory waterfowl and develop vertical structure to provide habitat for a diversity of species, particularly priority migratory birds. Any future reforestation efforts will incorporate greater native tree species diversity.

This alternative will encourage more public recreational and educational uses, where feasible, while intensifying

current habitat management. Hunting and fishing will continue with greater emphasis on increasing opportunities and enhancing the quality of the experience, including those for youth and disabled hunters/anglers. Education and interpretation will be promoted while providing programs and partnerships with local schools. Wildlife observation and photography opportunities will be expanded. Information guides and signage that highlight management programs, as well as unique wildlife habitats, will also be developed. Efforts will be undertaken to improve road maintenance in order to provide better visitor access.

The Service intends to construct a visitor center and headquarters office on Reelfoot, Chicksaw, and Lower Hatchie Refuges, with space for interpretation, environmental education, and staff.

Research studies will continue to be fostered and partnerships developed with other agencies and universities, with the refuges providing needed resources and study sites. Research will also provide benefits to conservation efforts throughout the Lower Mississippi River Valley to conserve, enhance, restore, and manage bottomland hardwood habitat. Inventorying and monitoring of birds, freshwater mussels, reptiles, and amphibians will be continued and expanded in order to assess population trends, correlate with environmental pressures, and provide baseline data to be used in development of appropriate management strategies. Providing additional staff (e.g., wildlife biologist, outdoor recreation planner, maintenance workers, and an additional full-time law enforcement officer) will enable the Service to fully develop and manage fish and wildlife resources and habitats, provide opportunities and facilities for wildlife observation and photography, provide environmental educational programs that promote a greater understanding of natural resources, and protect natural and cultural resources.

Under this alternative, the refuges will continue to acquire lands within the present acquisition boundaries for the use of compatible wildlife-dependent public recreation and environmental education opportunities. Tracts that provide better-quality habitat and connectivity to existing refuge lands will receive higher priority for acquisition. The refuges will also use other important acquisition tools, including partnerships with conservation organizations, conservation easements with adjacent landowners, and leases/cooperative agreements.

Public comments were requested, considered, and incorporated throughout the planning process in numerous ways. Pubic outreach included open houses, public meetings, technical workgroups, planning update mailings, and **Federal Register** notices. During the draft comprehensive conservation plan/environmental assessment comment period for each refuge, the Service received several comments, which were incorporated, when appropriate, and responded to in the final comprehensive conservation plan.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: April 4, 2006.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. 06–5534 Filed 6–19–06; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Study Plan

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service), on behalf of the Department of the Interior (DOI) as a natural resource trustee, announces the release for public review of the Draft Study Plan for a mink injury study for the Hudson River Natural Resource Damage Assessment (NRDA). The Draft Study Plan describes the Trustees' proposed approach to conducting this investigation, and seeks public feedback.

DATES: Written comments must be submitted on or before July 15, 2006.

ADDRESSES: Requests for copies of the Draft Study Plan may be made in person or by mail to: Ms. Kathryn Jahn, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045. Written comments or materials regarding the Draft Study Plan should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Kathryn Jahn, Environmental Contaminants Branch, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Interested parties may also call 607–753–9334, send electronic mail to *kathryn_jahn@fws.gov*, or visit the FWS Hudson River NRDA Web site (*http://www.fws.gov/contaminants/restorationplans/HudsonRiver/HudsonRiver.cfm*) where the Draft Study Plan is posted.

SUPPLEMENTARY INFORMATION: Natural resources of the Hudson River have been contaminated though past and ongoing discharges of polychlorinated biphenyls (PCBs). The Hudson River Natural Resource Trustees—New York State, the U.S. Department of Commerce, and the U.S. Department of the Interior, are conducting a NRDA to assess those natural resources injured by PCBs. The Draft Study Plan is being released for public review and comment in accordance with the Trustees' NRDA Plan for the Hudson River issued in September 2002. That NRDA Plan was released in accordance with the Natural Resource Damage Assessment regulations found at Title 43 of the Code of Federal Regulations, part 11.

Pursuant to the Hudson River NRDA plan, the Trustees have developed this Study Plan for a mink injury determination effort. Interested members of the public are invited to review and comment on the Draft Study Plan (see **ADDRESSES, FOR FURTHER INFORMATION CONTACT**). All comments received on the Draft Study Plan will be considered and a response provided either through incorporation into the Final Study Plan or by letter to the commenter. The Trustees will also prepare a Responsiveness Summary, responding to public comments, that will be released to the public.

Author: The primary author of this notice is Ms. Kathryn Jahn, New York Field Office, U.S. Fish and Wildlife Service, 3817 Luker Road, Cortland, NY 13045.

Authority: The authority for this action is the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.*

Dated: June 14, 2006.

Richard O. Bennett,

Acting Regional Director, Region 5, U.S. Fish and Wildlife Service.

[FR Doc. E6–9652 Filed 6–19–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 3, 2006.

Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by July 5, 2006.

John W. Roberts,

Acting Chief, National Register/National Historic Landmarks Program.

COLORADO

Denver County

Baur Confectionery Company, (Downtown Denver MPS) 1512–14 Curtis St., Denver, 06000590

Jefferson County

Fort, The, 19192 CO 8, Morrison, 06000585

CONNECTICUT

Fairfield County

Westport Bank and Trust Company, 87 Post Rd. E, Westport, 06000593

Hartford County

Babb's Beach, 435 Babbs Rd., Suffield, 06000591

King, George, House, 12 N. Main St., Sharon, 06000592

ILLINOIS

Champaign County

Chanute Field Historic District, Rantoul National Aviation Center, Rantoul, 06000594

KANSAS

Ellsworth County

Insurance Building, 115 N. Douglas Ave., Ellsworth, 06000595

Harper County

Campbell, I.P., Building, 116 W. Main St., Harper, 06000600

Morris County

Furney Farm, 649 E. KS 56, Council Grove, 06000596

Pratt County

Ellis, Earl H., VFW Post #1362, 701 E. 1st St., Pratt, 06000597

Sedgwick County

Grace Methodist Episcopal Church, 944 S. Topeka, Wichita, 06000599

Sherman County

Ennis, Mary Seaman, House, 202 W. 13th St., Goodland, 06000598

MICHIGAN

Wayne County

Eddystone Hotel, 100–118 Sproat St., Detroit, 06000588

Park Avenue Hotel, 2643 Park Ave., Detroit, 06000586

Rosedale Park Historic District, Roughly bounded by Fenkell, Outer Dr. W, Grand River Ave., Southfiield Fwy, Glastonbury, Lyndon, Westwood Dr., Detroit, 06000587

MINNESOTA

Redwood County

Walnut Grove Creamery Association, 521 Main St., Walnut Grove, 06000602

Waseca County

Strangers Refuge Lodge Number 74, IOOF, 119 S. Broadway Ave., New Richland, 06000601

MISSOURI

St. Louis Independent City

Colchester Apartments, 4–10–14–20 N. Kingshighway Blvd., St. Louis (Independent City), 06000603

NEBRASKA

Boyd County

Ponca Agency, Address Restricted, Niobrara, 06000554

Buffalo County

Fort Theater, 2205 Central Ave., Kearney, 06000607

Cass County

Gering, Paul, House, 423 N. 6th St., Plattsmouth, 06000604

Union Jail, 1st and Rock St., Union, 06000605

Cheyenne County

Wild Horse Draw—Leeman's Springs Archeological District, Address Restricted, Sidney, 06000556

Douglas County

Vinton Street Commercial Historic District, Vinton St., bet. Elm St. and S 17th St., Omaha, 06000608

Fillmore County

Warner's Filling Station and House, 737 and 745 "G" St., Geneva, 06000606

Garfield County

Burwell Carnegie Library, (Carnegie Libraries in Nebraska MPS) 110 S. 7th Ave., Burwell, 06000557

Hub Building, 180 Grand Ave., Burwell, 06000558

Knox County

Ponca Agency Archeological District, Address Restricted, Niobrara, 06000555

Lancaster County

Burnett, Edgar A., House, 3256 Holdrede St., Lincoln, 06000609

NEW JERSEY

Atlantic County

Bethlehem Loading Company Mays Landing Plant Archeological Historic District, 109 NJ 50, Estell Manor, 06000559

Middlesex County

Johnson, William H., House, 52 Welton St., New Brunswick, 06000560

NEW YORK

Columbia County

Tilden, Gov. Samuel J., Monument, Cemetery Rd., New Lebanon, 06000573

Dutchess County

Titus, Elias, House, 170 Titusville Rd., Red Oaks Mill, 06000568

Erie County

Diebolt, Edward A., House, 62 Niagara Falls Blvd., Buffalo, 06000565

Packard Motor Car Showroom and Storage Facility, 1325 Main St., Buffalo, 06000561

Villa Maria Motherhouse Complex, 600 Doat St., Cheektowaga, 06000571

Fulton County

Shew, Godfrey, House, 1632 S. Shore Rd., Fish House, 06000574

Nassau County

Jackson, Samuel and Elbert, House, 1542 Wantagh Ave., Wantagh, 06000563

Smith, Almeron and Olive, House, 50 South Dr., Plandome, 06000569

Onondaga County

Strathmore "By the Park" Subdivision, (Historic Designed Landscapes of Syracuse MPS) Glenwood, S. Geddes, Wellesley, Twin Hills, Strathmore, Arden, Alanson, Charmouth, Robineau, Syracuse, 06000564

Orange County

St. Thomas Episcopal Church, 47 Old Rte 9W (188 River Rd.), New Windsor, 06000566

Rockland County

McCullers, Carson, House, 131 S. Broadway, South Nyack, 06000562

Schoharie County

Richmondville United Methodist Church, 266 Main St., Richmondville, 06000575

St. Mark's Evangelical Lutheran Church, 326 Main St., Middleburgh, 06000572

Wayne County

Jackson—Perkins House, 310 High St., Neward, 06000567

Westchester County

Trinity—St. Paul's Episcopal Church, 311 Huguenot St., New Rochelle, 06000576

OREGON

Curry County

Wheeler Ridge Japanese Bombing Site, Rogue River-Siskiyou National Forest, Brookings, 06000589

Marion County

Deidrich Building, (Downtown Area of Stayton MPS) 195 N. Third Ave., Stayton, 06000570

RHODE ISLAND

Kent County

Crompton Mill Historic District, 20 Remington St., 53 and 65 Manchester St., West Warwick, 06000577

SOUTH CAROLINA

Allendale County

Allendale County Courthouse, 292 Barnwell Hwy., Allendale, 06000580

Orangeburg County

Willow Consolidated High School, 2750 Cope Rd., Norway, 06000581

Spartanburg County

Woodruff High School, 239 E. Hayne St., Woodruff, 06000578

Williamsburg County

McCullum—Murray House, C.E. Murray Blvd., Greeleyville, 06000579

TENNESSEE

Loudon County

Lenoir Collon Mill Warehouse, 150 Bussells Ferry Rd., Lenoir City, 06000584

Shelby County

Edway Building, 147 Jefferson Ave., Memphis, 06000582

Southwestern at Memphis Sorority Row Historic District, 2000 North Parkway, Rhodes College, Memphis, 06000583

A request for removal has been made for the following resource:

MINNESOTA

Cass County

Neils, Julius, House, N. Third St., Cass Lake, 80001991

[FR Doc. E6–9674 Filed 6–19–06; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Request for Determination of Valid Existing Rights Within the Daniel Boone National Forest, Kentucky

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are providing opportunity for the public to comment on a request for a determination of valid existing rights (VER) to use an existing Forest Service road as a coal mine access and haul road across Federal lands within the boundaries of the Daniel Boone National Forest in Owsley County, Kentucky. The mine would be located on privately owned land.

DATES: We will accept electronic or written comments until 4 p.m. Eastern time on July 20, 2006. Requests for an extension of the comment period must be received by the same time.

ADDRESSES: You may submit comments by any of the following methods:

- *Mail/Hand-Delivery/Courier:* William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503.
- *E-mail: dbeam@osmre.gov.*

For detailed instructions on submitting comments, *see* "V. How Do I Submit Comments on the Request?" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503.

Telephone: (859) 260–8402. Fax: (859) 260–8410. E-mail: *bkovacic@osmre.gov.*

SUPPLEMENTARY INFORMATION

I. What is the Nature of the VER Determination Request?
II. What Legal Requirements Apply to this Request?
III. What Information is Available Relevant to the Basis for the Request?
IV. How Will We Process the Request?
V. How Do I Submit Comments on the Request?

I. What Is the Nature of the VER Determination Request?

On February 23, 2006, QORE Property Sciences (QORE) submitted a request for a determination of VER on behalf of Sturgeon Mining Company, Inc. (Sturgeon). Sturgeon is proposing to conduct surface coal mining operations on approximately 424 acres of privately owned land near Watches Branch of Laurel Fork in the southeast corner of Owsley County, Kentucky. The property to be mined is adjacent to the Daniel Boone National Forest.

QORE is seeking a determination that Sturgeon has VER under paragraph (c)(1) of the definition of VER in 30 CFR 761.5 to use an existing road across Federal lands within the Daniel Boone National Forest as an access and haul road for the proposed mine. No other surface coal mining operations would be conducted on Federal lands within the Daniel Boone National Forest as part of this mine.

II. What Legal Requirements Apply to This Request?

Section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1272(e)(2), prohibits surface coal mining operations on Federal lands within the boundaries of any national forest, with two exceptions. The first exception pertains to surface operations and impacts incidental to an underground coal mine. The second relates to surface operations on lands within national forests west of the 100th meridian. Neither of those exceptions applies to the request now under consideration.

The introductory paragraph of section 522(e) also provides two general exceptions to the prohibitions on surface coal mining operations in that section. Those exceptions apply to operations in existence on the date of enactment of the Act (August 3, 1977) and to land for which a person has VER. SMCRA does not define VER. We subsequently adopted regulations defining VER and clarifying that, for lands that come under the protection of 30 CFR 761.11 and section 522(e) after the date of enactment of SMCRA, the applicable date is the date that the lands came under protection, not August 3, 1977.

On December 17, 1999 (64 FR 70766–70838), we adopted a revised definition of VER, established a process for submission and review of requests for VER determinations, and otherwise modified the regulations implementing section 522(e). At 30 CFR 761.16(a), we published a table clarifying which agency (OSM or the State regulatory authority) is responsible for making VER determinations and which definition (State or Federal) will apply. That table specifies that OSM is responsible for VER determinations for Federal lands within national forests and that the Federal VER definition in 30 CFR 761.5 applies to those determinations.

Paragraph (c) of the Federal definition of VER contains the standards applicable to VER for roads that lie within the definition of surface coal mining operations. QORE is seeking a VER determination under paragraph (c)(1), which provides that a person who claims VER to use or construct a road across the surface of lands protected by 30 CFR 761.11 or section 522(e) of SMCRA must demonstrate that the "road existed when the land upon which it is located came under the protection of § 761.11 or 30 U.S.C. 1272(e), and the person has a legal right to use the road for surface coal mining operations."

Based on other information available to us, we also are considering whether VER might exist under the standard in paragraph (c)(3), which requires a demonstration that a "valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of § 761.11 or 30 U.S.C. 1272(e)."

III. What Information Is Available Relevant to the Basis for the Request?

The following information has been submitted by QORE or obtained from the United States Forest Service (USFS) or the Kentucky Department for Natural Resources (DNR):

1. A 4,900 foot road designated USFS road FSR 1649A exists on the land to which the VER determination request pertains.

2. The land upon which the road is located was in Federal ownership as part of the Daniel Boone National Forest on August 3, 1977, the date of enactment of SMCRA.

3. On May 18, 2006, the USFS issued a permit to Sturgeon for non-Federal commercial use of this road. The permit is contingent upon Sturgeon receiving all other necessary authorizations to operate.

4. The road in question is clearly visible on several aerial photographs taken between April 11, 1978, and February 26, 1988.

5. The road is visible as a faint feature in aerial photographs dated April 27, 1974, and May 9, 1976.

6. A DNR employee remembers using an old logging road in this area for trail biking the summer after he graduated from college in the spring of 1977.

7. The USFS issued River Mining Co., Inc. a special use permit for the construction and use of a road in this location as a coal access and haul road on September 24, 1976.

IV. How Will We Process the Request?

We received the request on February 23, 2006, and determined that it was administratively complete on March 23, 2006. That review did not include an assessment of the technical or legal adequacy of the materials submitted with the request.

The process by which we will further review the request is set out in 30 CFR 761.16(d) and (e). As required by 30 CFR 761.16(d)(1), we are publishing this notice to seek public comment on the merits of the request. A similar notice will also be published in a newspaper of general circulation in Owsley County, Kentucky.

After the close of the comment period, we will review the materials submitted with the request, all comments received in response to this and other notices, and any other relevant, reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request. If not, we will notify the requester, in writing, explaining the inadequacy of the record and requesting submittal, within a specified time, of any material needed to remedy the deficiency.

Once the record is complete and adequate, we will determine whether the requester has demonstrated VER for the proposed access and haul road. Our decision document will contain findings of fact and conclusions, along with an explanation of the reasons for our conclusions. We will publish a notice of the decision in the **Federal Register** and a newspaper of general circulation in Owsley County, Kentucky.

However, as provided in 30 CFR 761.16(d)(1)(iv), we will not make a decision on the merits of the request, if, by the close of the comment period under this notice or the notice required by 30 CFR 761.16(d)(3), a person with a legal interest in the land to which the request pertains initiates appropriate legal action in the proper venue to resolve any differences concerning the validity or interpretation of the deed, lease, easement, or other documents that form the basis of the request. This provision applies only if our decision is based upon the standard in paragraph (c)(1) of the definition of VER in 30 CFR 761.5. It will not apply if we base our decision on the standard in paragraph (c)(3) of the definition.

V. How Do I Submit Comments on the Request?

We will make the VER determination request and associated materials available to you for review as prescribed in 30 CFR 842.16, except to the extent that the confidentiality provisions of 30 CFR 773.6(d) apply. Subject to those restrictions, you may review a copy of the request for the VER determination and all comments received in response to this request at the Lexington Field Office (*see* **ADDRESSES**). Documents contained in the administrative record are available for public review at the Field Office during normal business hours, Monday through Friday, excluding holidays.

Electronic or Written Comments

If you wish to comment on the merits of the request for a VER determination, please send electronic or written comments to us at the addresses above (*see* **ADDRESSES**) by the close of the comment period (*see* **DATES**). Under 30 CFR 761.16(d)(1)(vii), you may request a 30-day extension of the comment period. Requests for extension of the public comment period must be submitted to the same addresses by the date indicated.

If you submit comments by E-mail, please include your name and return address in your message. You may contact the Lexington Field Office at (859) 260–8402 if you wish to confirm receipt of your message.

Availability of Comments

We will make all comments, including names and addresses of respondents, available for public review during normal business hours at the location listed in **ADDRESSES**. We will not consider anonymous comments. If you are commenting as an individual, you may request that we withhold your name or address from public review, except for the city or town. We will honor your request to the extent allowable by law. You must state this request prominently at the beginning of your comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Dated: May 31, 2006.

H. Vann Weaver,

Acting Regional Director, Appalachian Region.

[FR Doc. E6–9660 Filed 6–19–06; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–624 and 625 (Second Review)]

Helical Spring Lock Washers From China and Taiwan

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on January 3, 2006 (71 FR 133) and determined on April 10, 2006 that

[1] The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Stephen Koplan and Commissioners Jennifer A. Hillman, Charlotte R. Lane, and Shara L. Aranoff voted in the affirmative with respect to both countries. Vice Chairman Deanna Tanner Okun and Commissioner Daniel R. Pearson voted in the affirmative with respect to China and in the negative with respect to Taiwan.

it would conduct expedited reviews (71 FR 23946). Notice of the scheduling of the Commission's reviews was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on April 25, 2006 (71 FR 23946).

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on June 15, 2006. The views of the Commission are contained in USITC Publication 3858 (June 2006), entitled Helical Spring Lock Washers from China and Taiwan (Inv. Nos. 731–TA–624 and 625 (Second Review)).

Issued: June 15, 2006.
By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–9675 Filed 6–19–06; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–575]

In the Matter of Certain Lighters; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 16, 2006, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Zippo Manufacturing Co., Inc. of Bradford, Pennsylvania and ZippMark, Inc. of Wilmington, Delaware. A supplement to the complaint was filed on June 5, 2006. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lighters by reason of infringement of U.S. Trademark Registration No. 2,606,241. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2571.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 14, 2006, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain lighters by reason of infringement of U.S. Trademark Registration No. 2,606,241, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Zippo Manufacturing Co., Inc., 33 Barbour Street, Bradford, PA 16701.

ZippMark, Inc., 103 Springer Building, Silverside Road, Wilmington, DE 19810.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Tung Fong International Promotion Co., Ltd, Unit C9–21/F., Wah Lok Industrial Ctr., 31–41 Shan Mei St., Fo Tan, N.T., Kln., Hong Kong.

Wenzhou Star Smoking Set Co., Ltd. (aka Wenzhou Hengxing Smoking Set Co., Ltd.), Shuangboa Road, Ouhai Economic Development Area, Wenzhou, China.

Taizhou Rongshi Lighter Development Co., Ltd., (aka Rongshi Enterprise), Chayu Industrial Zone, Zeguo Wenling, Zhejiang, China.

Wenzhou Tailier Smoking Set Co., Ltd. (aka Wenzhou Tailier Smoking Set Manufacturing Co., Ltd.), No. 58 Zhugong Road, JinZhu Industrial Zone, Wenzhou, China 325000.

beWild.com, 2357 Bedford Avenue, Bellmore, NY 11710.

Kalan LP (dba Kalan Trendsetting Gifts & Novelties), 97 S. Union Avenue, Lansdowne, PA 19050.

Vista Wholesale, 1010 Meadow Lane, Greencastle, IN 46135.

(c) The Commission investigative attorney, party to this investigation, is Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondents, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 15, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–9671 Filed 6–19–06; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1094 (Final)]

In the Matter of Metal Calendar Slides From Japan; Notice of Commission Determination not To Conduct a Portion of the Hearing *In Camera*

AGENCY: U.S. International Trade Commission.

ACTION: Commission determination not to close any part of the hearing to the public.

SUMMARY: The Commission has determined to deny the request of respondent Nishiyama Kinzoku Ltd. Co. ("Nishiyama") to conduct a portion of its hearing in the above-captioned investigation scheduled for June 22, 2006, *in camera*. *See* Commission rules 201.13 and 201.36(b)(4) (19 CFR 201.13 and 201.36(b)(4)).

FOR FURTHER INFORMATION CONTACT: Karl von Schriltz, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3096. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes it should conduct its business in public in all but the most unusual circumstances. The Commission has determined that, in light of the nature of this investigation, it will be able to assess adequately all arguments raised by Nishiyama without resorting to the extraordinary measure of an *in camera* hearing. Accordingly, the Commission has determined that the public interest would be best served by a hearing that is entirely open to the public. *See* 19 CFR 201.36(c)(1).

Authority: This notice is provided pursuant to Commission Rule 201.35(b) (19 CFR 201.35(b)).

By order of the Commission.

Issued: June 15, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–9676 Filed 6–19–06; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

June 7, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: 1,3-Butadiene (29 CFR 1910.1051).

OMB Number: 1218–0170.

Frequency: On occasion.

Type of Response: Recordkeeping and Third party disclosure.

Affected Public: Business or other for-profit; Federal Government; and State, Local, or Tribal Government.

Number of Respondents: 115.

Number of Annual Responses: 3,532.

Estimated Time per Response: Time per response ranges from 15 seconds (.004 hour) to write the date and time on each new cartridge label to 2 hours to complete a referral medical examination.

Total Burden Hours: 956.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $90,552.

Description: The 1,3-Butadiene Standard requires employers to monitor employee exposure to 1,3-Butadiene; develop and maintain compliance and exposure-goal programs if employee exposures to 1,3-Butadiene are above the Standard's permissible exposure limits or action level; label respirator filter elements to indicate the date and time it is first installed on the respirator; establish medical surveillance programs to monitor employee health, and to provide employees with information about their exposures and the health effects of exposure to 1,3Butadiene.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. E6–9604 Filed 6–19–06; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Uniform Billing Form (OWCP–92). A copy of the proposed information collection request can be obtained by contacting the office

listed below in the addressee section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 21, 2006.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0418, fax (202) 693–1451, E-mail *bell.hazel@dol.gov*. Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101, *et seq.*, the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* All three of these statutes require that OWCP pay for medical treatment of beneficiaries; this medical treatment can include inpatient/outpatient hospital services, as well as services provided by nursing homes, skilled nursing facilities and home health aides in the home. In order to determine whether billed amounts are appropriate, OWCP needs to identify the patient, the specific services that were rendered and their relationship to the work-related injury or illness. The regulations implementing these statutes require the use of Form OWCP–92 or UB–92 for the submission of medical bills from institutional providers (20 CFR 10.801, 30.701, 725.405, 725.406, 725.701 and 725.704). The Uniform Billing, known as the paper UB–92, has been approved by the American Hospital Association, the Centers for Medicare and Medicaid Services, and the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), by various other government health care programs, and the private sector, to request payment to institutional providers of medical services. The paper UB–2 has been designed by the National Uniform Billing Committee and is neither a government-printed form nor distributed by OWCP; OWCP has, however, developed detailed instructions to ensure that it obtains the information needed to consider requests for payment from institutional providers using this form. This information collection is currently approved for use through January 31, 2007.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to provide payment covered medical services to injured employees who are covered under the FECA, BLBA and the EEOICPA.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Uniform Billing Form.

OMB Number: 1215–0176.

Agency Number: OWCP–92.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Total Respondents: 7,593.

Total Responses: 30,372.

Time per Response: 7 minutes.

Frequency: As needed.

Estimated Total Burden Hours: 3,544.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 15, 2006.

Ruben Wiley,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. E6–9632 Filed 6–19–06; 8:45 am]

BILLING CODE 4510–CR–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before July 20, 2006 to be assured of consideration.

ADDRESSES: Send comments to Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–837–3213.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on April 6, 2006 (71 FR 17499 and 17500). No comments were received. NARA has submitted the described information collections to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the

information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collections:

1. *Title:* Request to Microfilm Records.
OMB number: 3095–0017.
Agency form number: None.
Type of review: Regular.
Affected public: Companies and organizations that wish to microfilm archival holdings in the National Archives of the United States or a Presidential library for micropublication.
Estimated number of respondents: 2.
Estimated time per response: 10 hours.
Frequency of response: On occasion (when respondent wishes to request permission to microfilm records).
Estimated total annual burden hours: 20.
Abstract: The information collection is prescribed by 36 CFR 1254.92. The collection is prepared by companies and organizations that wish to microfilm archival holdings with privately-owned equipment. NARA uses the information to determine whether the request meets the criteria in 36 CFR 1254.94, to evaluate the records for filming, and to schedule use of the limited space available for filming.

2. *Title:* National Archives and Records Administration Class Evaluation.
OMB number: 3095–0023.
Agency form number: NA 2019.
Type of review: Regular.
Affected public: Individuals or households, Business or other for-profit, Nonprofit organizations and institutions, Federal, state, local, or tribal government agencies.
Estimated number of respondents: 6,830.
Estimated time per response: 5 minutes.
Frequency of response: On occasion (when respondent takes NARA sponsored training classes).
Estimated total annual burden hours: 569 hours.
Abstract: The information collection allows uniform measurement of customer satisfaction with NARA training courses and workshops. NARA distributes the approved form to the course coordinators on diskette for customization of selected elements, shown as shaded areas on the form submitted for clearance.

3. *Title:* Request to film, photograph, or videotape at a NARA facility for news purposes.
OMB number: 3095–0040.
Agency form number: None.
Type of review: Regular.
Affected public: Business or other for-profit, not-for-profit institutions.
Estimated number of respondents: 660.
Estimated time per response: 10 minutes.
Frequency of response: On occasion.
Estimated total annual burden hours: 110.
Abstract: The information collection is prescribed by 36 CFR 1280.48. The collection is prepared by organizations that wish to film, photograph, or videotape on NARA property for news purposes. NARA needs the information to determine if the request complies with NARA's regulation, to ensure protections of archival holdings, and to schedule the filming appointment.

4. *Title:* Independent Researcher Listing Application.
OMB number: 3095–0054.
Agency form numbers: NA 14115.
Type of review: Regular.
Affected public: Individuals or households.
Estimated number of respondents: 269.
Estimated time per response: 10 minutes.
Frequency of response: On occasion.
Estimated total annual burden hours: 40.
Abstract: To assist researchers who can not travel to the metropolitan area to conduct their own research, NARA's Customer Services Division of the National Archives maintains a listing of independent researchers who perform freelance research for hire in the Washington, DC, area. All interested independent researchers provide their contact information via this form. Collecting contact and other key information from each independent researcher and providing such information to the public when deemed appropriate will only increase business. This form is not a burden in any way to any independent researcher who voluntarily submits a completed form. Inclusion on the list will not be viewed or advertised as an endorsement by the National Archives and Records Administration (NARA). The listing is compiled and disseminated as a service to the public.

Dated: June 14, 2006.

Martha Morphy,

Acting Assistant Archivist for Information Services.

[FR Doc. E6–9644 Filed 6–19–06; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review, Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Documents containing reporting or recordkeeping requirements: Office of Management and Budget (OMB) review; correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on June 8, 2006 (71 FR 33320), that announces the recent submission of a proposal for the collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). This action corrects the comment closing date for the information collection 10 CFR parts 20 and 32, "National Source Tracking of Sealed Sources" and NRC Form 748, "National Source Tracking Transaction Report."

SUPPLEMENTARY INFORMATION: On page 33321, first column, second paragraph, the date "August 7, 2006" should read "July 10, 2006."

Dated in Rockville, Maryland, this 14th day of June 2006.

For the U.S. Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E6–9630 Filed 6–19–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–353]

Limerick Generating Station, Unit 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–85, issued to Exelon Generation Company, LLC, for operation of the Limerick Generating Station, Unit 2, located in Montgomery County, Pennsylvania.

The proposed one-time amendment would revise Technical Specification (TS) Limiting Condition for Operation (LCO) 3.6.1.7 concerning drywell average air temperature. Specifically,

the proposed change would add a footnote to the TS limit for drywell average air temperature of 145 degrees Fahrenheit (°F) to allow continued operation of LGS, Unit 2, with drywell average air temperature no greater than 148 °F or the remainder of the current operating cycle (Cycle 9), which is currently scheduled to end in March 2007, or until the next shutdown of sufficient duration to allow for unit cooler fan repairs, whichever comes first.

The exigent amendment request is being made because both fans of the 2D drywell unit cooler are inoperable and out of service, which resulted in an increase in drywell average air temperature from approximately 129 °F to approximately 142 °F. Historically, LGS has experienced an increase in the drywell average air temperature of 2–4 °F during the summer months with normal drywell air cooling system operation. Under the current plant condition, this could result in the potential to exceed the TS limit of 145 °F. Noticing this license amendment request in the Biweekly **Federal Register** Notice for the standard 30-day public comment period would not expire until July 2006. Therefore, the combination of the increase in the drywell average air temperature during the summer months and the standard regulatory process for noticing license amendment requests could result in an unwarranted plant shutdown.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The increase in the allowable drywell average air temperature during normal plant operation does not make any physical changes to the plant. It only permits the plant to operate at a higher drywell average air temperature for a limited period of time, and therefore, does not increase the probability of an accident previously evaluated. This increase in the drywell average air temperature has been evaluated to ensure that the change does not adversely affect the ability of the primary containment to perform its safety related function during accident conditions.

The LGS containment design was previously evaluated using an initial average air temperature of 150 °F for the design basis Loss-of-Coolant Accident (LOCA). The results of this evaluation showed that the peak drywell air temperature does not exceed the limit of 340 °F post-accident and that the peak drywell pressure does not exceed the design limit of 55 psig. In addition, the results of this evaluation showed that the peak suppression pool temperature does not exceed the suppression pool structural design limit of 220 °F, and does not exceed the low pressure Emergency Core Cooling System (ECCS) pump net positive suction head (NPSH) limit of 212 °F. The proposed change is also bounded by the current small line break analysis.

Evaluation of components in the drywell has determined that the proposed one-time increase in the drywell average air temperature does not adversely affect the capability to perform their safety function. For components in the drywell, the qualified life was based on operation at a minimum drywell average air temperature of 145 °F. An evaluation of the qualified life of components in the drywell has been performed and has determined that current qualification will not be adversely impacted even if the components are exposed to a temperature of 150 °F for the remainder of the current operating cycle. The increased average air temperature of the drywell atmosphere does not degrade or compromise any coolant boundaries nor does it degrade or compromise any primary containment boundaries from performing their design functions during or following an accident condition. This proposed change does not result in or require any systems or components to be operated outside of their design limits.

This proposed change does not adversely affect mitigating systems, structures or components, and does not adversely affect the initial conditions of any accidents. Redundancy and diversity of mitigating systems are unchanged as a result of this proposed change. This proposed change does not affect onsite or offsite radiological consequences of any accident previously evaluated in the Safety Analysis Report (SAR).

Therefore, this proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The one-time increase in the drywell average air temperature proposed by this TS change does not change any SSC [structures, systems, and components of the plant. This TS change does not create new operating or failure modes. The normal operating drywell average air temperature is maintained to prevent the peak temperature/pressure of the primary containment from exceeding the design limit, and to ensure that SSCs perform their safety functions before, during and after accident conditions. A previous evaluation has shown that the limits for the drywell and suppression pool design temperatures and pressures are not exceeded by the proposed change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. This proposed change will allow the plant to operate at a higher drywell average air temperature during normal operation for the remainder of the current operating cycle. This higher drywell average air temperature (148 °F) is still below the initial conditions (150 °F) specified in the current short and long-term containment analyses. This change does not create additional heat loads or change the way any of the equipment is operated. A previous evaluation has demonstrated that the drywell and suppression pool design pressures and design temperatures and code requirements are maintained. Therefore, this one-time change to the TS drywell average air temperature limit, to allow the plant to operate no greater than 148 °F for no longer than the remainder of the current operating cycle, does not have any adverse effect on the ability of safety-related SSCs to perform their design functions. The SSCs are designed to function following a LOCA where drywell temperature can peak at 340 °F. For components in the drywell, the qualified life was based on operation at a minimum drywell average air temperature of 145 °F. An evaluation of the qualified life of components in the drywell has been performed and has determined that current qualification will not be adversely impacted even if the components are exposed to a temperature of 150 °F for the remainder of the current operating cycle.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner/requestor is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petitioner/requestor must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(I)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HEARINGDOCKET@NRC.GOV*; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov*. A copy of the request for hearing and petition for leave to intervene should also be sent to Mr. Brad Fewell, Assistant

General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated June 9, 2006, which is available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 14th day of June 2006.

For the Nuclear Regulatory Commission.

Richard V. Guzman,

Project Manager, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–9629 Filed 6–19–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of June 19, 26, July 3, 10, 17, 24, 2006.

PLACE: Commissioners' Conference room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 19, 2006

Friday, June 23, 2006

9 a.m. Affirmation Session (Public Meeting) (Tentative).

a. AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station) Docket No. 50–0219, Legal challenges to LBP–06–07 and LBP–06–11 (Tentative).

b. Nuclear Management Company, LLC (Palisades Nuclear Plant, license renewal application), Appeal by Petitioners of LBP–06–10 (ruling on standing, contentions, and other pending matters) (Tentative).

9:30 Discussion of Security Issues (Closed-Ex. 1).

Week of June 6, 2006—Tentative

There are no meetings scheduled for the Week of June 26, 2006.

Week of July 3, 2006—Tentative

There are no meetings scheduled for the Week of July 3, 2006.

Week of July 10, 2006—Tentative

There are no meetings scheduled for the Week of July 10, 2006.

Week of July 17, 2006—Tentative

There are no meetings scheduled for the Week of July 17, 2006.

Week of July 24, 2006—Tentative

Thursday, July 27, 2006

9:30 a.m. Briefing on Office of International Programs (OIP) Programs, Performance, and Plans (Public Meeting) (Contact: Karen Henderson, 301–415;–0202). This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

1:30 p.m Briefing on Equal Employment Opportunity (EEO) Programs. (Public Meeting) (Contact: Barbara Williams, 301–415–7388). This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

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*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

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*The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov*.

Dated: June 15, 2006.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 06–5545 Filed 6–16–06; 10:34 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from May 25, 2006 to June 8, 2006. The last biweekly notice was published on June 6, 2006 (71 FR 32603).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this

proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary,

U.S. Nuclear Regulatory Commission, *HearingDocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(I)–(viii).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: May 8, 2006.

Description of amendment request: The proposed change will add an NRC-approved topical report to the analytical methods referenced in Technical Specification (TS) Section 5.6.5, "Core Operating Limits Report (COLR)."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Core operating limits are established each operating cycle in accordance with TS 3.2, "Power Distribution" and TS 5.6.5, "Core Operating Limits Report (COLR)". These core operating limits ensure that the fuel design limits are not exceeded during any conditions of normal operation or in the event of any Anticipated Operational Occurrence (AOO). In addition, the Average Planar Linear Heat Generation Rate (APLHGR) operating limits imposed by Technical Specification 3.2.1 also ensure that the Peak Cladding Temperature (PCT) during the postulated design[-]basis LOCA [loss-of-coolant accident] does not exceed the 2200 °F limit specified in 10 CFR 50.46. The APLHGR is a measure of the average linear heat generation rate of all the fuel rods in a fuel assembly at any axial location.

The methods used to determine the operating limits are those previously found acceptable by the NRC and listed in TS Section 5.6.5.b. A change to TS Section 5.6.5.b is requested to include an updated LOCA analysis method, EXEM BWR–2000. The updated method will be used to determine the APLHGR operating limits imposed by Technical Specification 3.2.1. EXEM BWR–2000 has been reviewed and approved by the NRC and is applicable to the GGNS [Grand Gulf Nuclear Station, Unit 1] plant design and the FRA–ANP [Framatome-Advance Nuclear Power] fuel being used at GGNS. The application of the LOCA analytical model will continue to ensure that the APLHGR operating limits are established to protect the fuel cladding integrity during normal operation, AOOs, and the design-basis LOCA. The requested TS changes concern the use of analytical methods and do not involve any plant modifications or operational changes that could affect any postulated accident precursors or accident mitigation systems and do not introduce any new accident initiation mechanisms.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS amendment will not change the design function, reliability, performance, or operation of any plant systems, components, or structures. It does not create the possibility of a new failure mechanism, malfunction, or accident initiators not considered in the design and licensing bases. Plant operation will continue to be within the core operating limits that are established using NRC[-]approved methods that are applicable to the GGNS design and the GGNS fuel.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The ECCS [emergency core cooling system] performance analysis methods are used to establish the APLHGR limits required by Technical Specification 3.2.1. The APLHGR limits are specified in the COLR and are the result of fuel design, design[-]basis accident (DBA), and transient analyses. Limits on the APLHGR are specified to ensure that the fuel design limits are not exceeded during anticipated operational occurrences (AOOs) and that the peak cladding temperature (PCT) during the postulated design[-]basis LOCA does not exceed the 2200 °F limit specified in 10 CFR 50.46.

The EXEM BWR–2000 evaluation model is an updated LOCA analytical method that has been approved by the NRC and is applicable to the GGNS plant design and the fuel being used at GGNS. A GGNS plant[-]specific ECCS performance analysis has been performed with the EXEM BWR–2000 evaluation model. This evaluation concluded that the resulting PCT still afforded adequate margin to the 2200 °F limit of 10 CFR 50.46.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn LLP, 1700 K Street, NW., Washington, DC 20006

NRC Branch Chief: David Terao.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: May 24, 2006.

Description of amendment request: This amendment revises TS 1.0, Definitions, TS 3/4.4.5, Steam Generator Tube Integrity, TS 3/4.4.6.2, Reactor Coolant System (RCS) Operational LEAKAGE, adds a new specification TS 6.8.4.k for Steam Generator Program and adds a new TS 6.9.1.12, Steam Generator Tube Inspection Report. The proposed changes are necessary in order to implement the guidance for the industry initiative on NEI 97–06, "Steam Generator Program Guidelines." The NRC staff issued a notice of availability of a model safety evaluation and model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on March 2, 2005, (70 FR 10298). The licensee affirmed the applicability of the model NSHC determination in its application dated May 24, 2006.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change requires a SG Program that includes performance criteria that will provide reasonable assurance that the SG tubing will retain integrity over the full range of operating conditions (including startup, operation in the power range, hot standby, cooldown and all anticipated transients included in the design specification). The SG performance criteria are based on tube structural integrity, accident induced leakage, and operational LEAKAGE.

A SGTR event is one of the design basis accidents that are analyzed as part of a plant's licensing basis. In the analysis of a SGTR event, a bounding primary to secondary LEAKAGE rate equal to the operational LEAKAGE rate limits in the licensing basis plus the LEAKAGE rate associated with a double-ended rupture of a single tube is assumed.

For other design basis accidents such as MSLB, rod ejection, and reactor coolant pump locked rotor the tubes are assumed to retain their structural integrity (i.e., they are assumed not to rupture). These analyses typically assume that primary to secondary LEAKAGE for all SGs is 1 gallon per minute or increases to 1 gallon per minute as a result of accident induced stresses. The accident induced leakage criterion introduced by the proposed changes accounts for tubes that may leak during design basis accidents. The accident induced leakage criterion limits this leakage to no more than the value assumed in the accident analysis.

The SG performance criteria proposed change to the TS identify the standards against which tube integrity is to be measured. Meeting the performance criteria provides reasonable assurance that the SG tubing will remain capable of fulfilling its specific safety function of maintaining reactor coolant pressure boundary integrity throughout each operating cycle and in the unlikely event of a design basis accident. The performance criteria are only a part of the SG Program required by the proposed change to the TS. The program, defined by NEI 97–06, Steam Generator Program Guidelines, includes a framework that incorporates a balance of prevention, inspection, evaluation, repair, and leakage monitoring. The proposed changes do not, therefore, significantly increase the probability of an accident previously evaluated.

The consequences of design basis accidents are, in part, functions of the DOSE EQUIVALENT 1–131 in the primary coolant and the primary to secondary LEAKAGE rates resulting from an accident. Therefore, limits are included in the plant technical specifications for operational leakage and for DOSE EQUIVALENT 1–131 in primary coolant to ensure the plant is operated within its analyzed condition. The typical analysis of the limiting design basis accident assumes that primary to secondary leak rate after the accident is 1 gallon per minute with no more than 150 gallons per day in any one SG, and that the reactor coolant activity levels of DOSE EQUIVALENT 1–131 are at the TS values before the accident. The proposed change does not affect the design of the SGs, their method of operation, or primary coolant chemistry controls. The proposed approach updates the current TSs and enhances the requirements for SG inspections. The proposed change does not adversely impact any other previously evaluated design basis accident and is an improvement over the current TSs.

Therefore, the proposed change does not affect the consequences of a SGTR accident and the probability of such an accident is reduced. In addition, the proposed changes do not affect the consequences of an MSLB, rod ejection, or a reactor coolant pump locked rotor event, or other previously evaluated accident.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed performance based requirements are an improvement over the requirements imposed by the current technical specifications. Implementation of the proposed SG Program will not introduce any adverse changes to the plant design basis or postulated accidents resulting from potential tube degradation. The result of the implementation of the SG Program will be an enhancement of SG tube performance. Primary to secondary LEAKAGE that may be experienced during all plant conditions will be monitored to ensure it remains within current accident analysis assumptions.

The proposed change does not affect the design of the SGs, their method of operation, or primary or secondary coolant chemistry controls. In addition, the proposed change does not impact any other plant system or component. The change enhances SG inspection requirements.

Therefore, the proposed change does not create the possibility of a new or different type of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The SG tubes in pressurized water reactors are an integral part of the reactor coolant pressure boundary and, as such, are relied upon to maintain the primary system's pressure and inventory. As part of the reactor coolant pressure boundary, the SG tubes are unique in that they are also relied upon as a heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system. In addition, the SG tubes isolate the radioactive fission products in the primary coolant from the secondary system. In summary, the safety function of an SG is maintained by ensuring the integrity of its tubes.

Steam generator tube integrity is a function of the design, environment, and the physical condition of the tube. The proposed change does not affect tube design or operating environment. The proposed change is expected to result in an improvement in the tube integrity by implementing the SG Program to manage SG tube inspection, assessment, repair, and plugging. The requirements established by the SG Program are consistent with those in the applicable design codes and standards and are an improvement over the requirements in the current TSs.

For the above reasons, the margin of safety is not changed and overall plant safety will be enhanced by the proposed change to the TS.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Hagood Hamilton, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Section Chief: Evangelos C. Marinos.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: May 1, 2006 (TS–05–10).

Description of amendment request: The proposed amendment would extend the burnup limit of the Mark-BW fuel design with advanced alloy material referred to as M5 alloy. This proposed change affects Section 6.9.1.14.a of the Sequoyah Nuclear Plant Technical Specifications (TSs). The impact to Section 6.9.1.14.a includes adding an NRC-approved topical report (TR) associated with M5 alloy fuel assemblies. This TR will be utilized, among others, in the determination of core operating limits for each fuel cycle. In addition, the proposed amendment includes the adoption of Industry/Technical Specification Task Force (TSTF) Traveler, TSTF–363, Revision 0, "Revised Topical Report References in Improved Technical Specification (ITS) 5.6.5, Core Operating Limits Report (COLR)," which removes any references to dates, revision numbers, and supplements in the TS listing of TRs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the

issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

In general, fuel assemblies and more specifically fuel rod cladding, of any burnup level, is not a precursor to accidents previously evaluated. An evaluation has been performed of the Mark-BW design fuel assembly for all loss-of-coolant accidents (LOCA) and non-LOCA transient events. This evaluation confirmed and justified the use of Mark-BW fuel for operation in Sequoyah Nuclear Plant (SQN) Units 1 and 2.

The ability of the M5 fuel rod cladding material to provide a barrier against the release of radioactive fuel material has not been reduced with respect to the Zircaloy-4 material. The approved TR evaluated postulated accidents that involved adverse core conditions and the release of radionuclides, and found that higher burnup limits have very little impact on the overall radiological consequences. Radiological consequences, as well as other safety limits, are evaluated on a cycle-to-cycle basis to confirm that the analyses of record remain bounding. If a proposed extended burnup core design exceeds bounding safety analysis values, then either the core design would be changed, or the safety values would be changed.

Rod cladding failures are assumed to occur in the fuel handling accident; however, the consequences of this event are independent of the properties of the fuel rod cladding. This is based on the fuel handling event assuming the rupture of all fuel rods regardless of the rod cladding material.

No change is proposed to the established safety analysis fuel assembly inputs, specifically fuel assemblies are still limited to a maximum 1500 effective full power day (EFPD) burnup and the reactor core average maximum burnup will remain at 1000 EFPD burnup ensuring the present accident analyses remain bounding. Based on above discussion, the proposed revision to extend the burnup limit of M5 fuel rod cladding material will not significantly increase the consequences of an accident and the potential for the release of radioactive material to the environment.

Removing revision numbers, dates, and parenthetical information from the listed TRs has no impact on the actual analytical methods used to determine the core operating limits, nor does the change have impact on the calculations performed for the current or future reloads. This change is administrative in nature. This change has no impact on plant equipment operation nor does it affect the likelihood or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Mark-BW fuel design with M5 alloy has been demonstrated to have similar characteristics to that of the Mark-B fuel design. Extended burnup of the M5 material has not been shown to alter the functions of the rod cladding, which is to provide a barrier against the release of radioactive material. Initial plant conditions, which are considered in the accident analysis, will also be maintained such that no new plant conditions will exist that could affect the analysis results. Since plant functions and conditions are not impacted by the proposed revision and the higher burnup limit of the Mark-BW fuel design with M5 alloy material is not postulated to become an accident initiator based on the similarity with Mark-B fuel design and Zircaloy-4 material, the possibility of a new or different kind of accident is not created.

The proposed changes will not alter the plant configuration or require any new or unusual operator actions. They do not alter the way any structure, system, or component functions and do not alter the manner in which the plant is operated. These changes do not introduce any new failure modes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established by the acceptance criteria used by NRC. Meeting the acceptance criteria assures that the consequences of accidents are within known and acceptable limits. The emergency core cooling system (ECCS) acceptance criteria are not exceeded. Testing has been performed on M5 alloy with respect to criteria for peak cladding temperature (PCT) and maximum cladding oxidation. These tests demonstrate that M5 alloy rod cladding remains within PCT of 2200 degrees Fahrenheit and conservatively bounded by the 17 percent limit for maximum cladding oxidation. M5 alloy oxidation rates are lower than that of Zircaloy at temperatures less than 2200 degrees Fahrenheit and have similar rates for temperatures up to about 2300 degrees Fahrenheit. High-temperature oxidation rates of M5 alloy remain equivalent to Zircaloy and, as such, respond as hydrogen generators to the same extent. Core geometry for amenable cooling is not directly related to rod cladding material; however, it applies equally well to all materials. The consequences of both thermal and mechanical deformation of fuel assemblies have been assessed, and the resultant deformations have been shown to maintain coolable core configurations. The ECCS is evaluated against the thermal power immediately after shutdown. The thermal power is largely a function of short-lived fission products which tend to saturate at relatively low burnup limits and are not appreciably affected by extended burnup. Therefore, with no system changes being proposed; long-term cooling is maintained. Additionally, the fuel storage cooling system is capable of supporting the long-term storage of the extended burnup fuel assemblies' decay heat.

The changes to burnup limit have been evaluated against Departure from Nucleate Boiling (DNB) events and all applicable acceptance criteria are met. In addition, the proposed revision to allow an increase in the burnup limit of the Mark-BW fuel design with M5 alloy will not impact plant setpoints that maintain the margin of safety. Based on these results, it is concluded that the margin of safety is not significantly reduced. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Removing revision numbers, dates, and parenthetical information from the listed TRs will not reduce a margin of safety because this information has no effect on any safety analysis assumption nor does it revise any setpoints assumed in the analysis of record. The proposed change is consistent with NUREG–1431, issued by the NRC staff, revising the TSs to reflect the approved level of detail, which indicates that there is no significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: Michael L. Marshall, Jr.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: May 25, 2006 (TSC 06–02).

Description of amendment request: The proposed amendment would revise Section 6.2.1.6 of the Sequoyah Nuclear Plant (SQN) Updated Final Safety Analysis Report (UFSAR). This change would revise the methodology used for containment sump debris transport analysis and affects SQN's current design and licensing basis described in Section 6.2.1.6 of the SQN UFSAR.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design function of the sump during accident conditions is to support emergency core cooling systems (ECCS) and containment spray system operation for

recirculation. The sump is a passive feature that does not act as an accident initiator, (i.e., failure of the sump would not initiate a design basis accident).

The proposed change to the UFSAR regarding debris transport analysis provides an overall improvement in the analysis for recirculation operation and does not change the consequences of accidents previously evaluated. The change in methodology is neutral with regard to probability. Consequently, the changes associated with the enclosed license amendment do not affect the frequency of occurrence for accidents previously evaluated in the UFSAR.

Accident dose as previously evaluated in the UFSAR is unaffected by the proposed license amendment.

Based on the above discussion, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The sump is a passive component and is not an accident initiator; i.e., failure of the sump will not initiate a design basis accident. The sump transport methodology is used to confirm the ability of the sump to perform all safety functions during normal and accident conditions. Consequently, this activity does not create a possibility of a new or different type of accident than any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The changes addressed in TVA's proposed amendment are associated with methodology for debris transport to the containment sump.

The change does not affect specific safety limits, design limits, set points, or other critical parameters. The transport methodology is used to confirm that the ECCS and containment spray systems will perform their safety functions for all accident conditions within existing equipment performance capability margins.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: Michael L. Marshall, Jr.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: May 9, 2006.

Description of amendment request: The proposed amendment would revise Technical Specifications (TSs) 1.1, "Definitions," and 3.4.16, "RCS [reactor coolant system] Specific Activity." The revisions would replace the current Limiting Condition for Operation (LCO) 3.4.16 limit on RCS gross specific activity with limits on RCS Dose Equivalent I–131 and Dose Equivalent Xe-133 (DEX). The conditions and required actions for LCO 3.4.16 not being met, and surveillance requirements for LCO 3.4.16, are being revised. The modes of applicability for LCO 3.4.16 would be extended. The current definition of Ē—Average Disintegration Energy in TS 1.1 would be replaced by the definition of DEX. In addition, the current definition of Dose Equivalent I–131 in TS 1.1 would be revised to allow alternate, NRC-approved thyroid dose conversion factors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. [Do] the proposed change[s] involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes would add new thyroid dose conversion factor reference[s] to the definition of DOSE EQUIVALENT I–131, eliminate the definition of Ē—AVERAGE DISINTEGRATION ENERGY, add a new definition of DOSE EQUIVALENT XE–133, replace the Technical Specification (TS) 3.4.16 limit on reactor coolant system (RCS) gross specific activity with a limit on noble gas specific activity in the form of a Limiting Condition for Operation (LCO) on DOSE EQUIVALENT XE–133, increase the Completion Time for Required Action B.1, replace TS Figure 3.4.16–1 with a maximum limit on DOSE EQUIVALENT I–131, extend the Applicability of LCO 3.4.16, and make corresponding changes to TS 3.4.16 to reflect all of the above. The proposed changes are not accident initiators and have no impact on the probability of occurrence of any design basis accidents.

The proposed changes will have no impact on the consequences of a design basis accident because they will limit the RCS noble gas specific activity to be consistent with the values assumed in the radiological consequence analyses. The changes will also limit the potential RCS [radio]iodine concentration excursion to the value currently associated with full power operation, which is more restrictive on plant operation than the existing allowable RCS [radio]iodine specific activity at lower power levels.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. [Do] the proposed change[s] create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not alter any physical part of the plant nor do they affect any plant operating parameters besides the allowable specific activity in the RCS. The changes which impact the allowable specific activity in the RCS are consistent with the assumptions assumed in the current radiological consequence analyses. [The proposed changes are also not accident initiators.]

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. [Do] the proposed change[s] involve a significant reduction in a margin of safety?

Response: No.

The acceptance criteria related to the proposed changes involve the allowable control room and offsite radiological consequences following a design basis accident. The proposed changes will have no impact on the radiological consequences of a design basis accident because they will limit the RCS noble gas specific activity to be consistent with the values assumed in the radiological consequence analyses. The changes will also limit the potential RCS [radio]iodine specific activity excursion to the value currently associated with full power operation, which is more restrictive on plant operation than the existing allowable RCS [radio]iodine specific activity at lower power levels.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Branch Chief: David Terao.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: May 11, 2006.

Description of amendment request: The proposed amendment would revise Surveillance Requirements 3.7.2.1, 3.7.3.1, and 3.7.3.3 on verifying the

closure time of the main steam isolation valves (MSIVs), main feedwater regulating valves (MFRVs), main feedwater regulating valve bypass valves (MFRVBVs), and main feedwater isolation valves (MFIVs) in the Technical Specifications (TSs). These valves are the Main Steam and Main Feedwater System isolation valves. The revisions would replace (1) the specified maximum acceptable valve closure time for the MSIVs, MFRVs, and MFRVBVs, and (2) TS Figure 3.7.3–1, which shows acceptable valve closure times for the MFIVs, by the reference to the valve closure time, is verified to be "within limits." The maximum acceptable valve closure times for the MFRVs and MFRVBVs, and TS Figure 3.7.3–1 will be relocated to the TS Bases. The maximum acceptable valve closure time for the MSIV is already in the TS Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Because the proposed change[s remove] specific isolation times from the TS and [relocate] the specific values to the TS Bases, there are no design or physical changes to the facility or to the Main Steam and Main Feedwater System isolation valves themselves. The design and functional performance requirements, operational characteristics, and reliability of these components remain unchanged. There is[,] therefore[,] no impact on the design safety function of the valves to close (as an accident mitigator), nor is there any change with respect to inadvertent closure (as a potential transient initiator). Since no failure mode or initiating condition that could cause an accident (including any plant transient) evaluated per the FSAR [Final Safety Analysis Report]-described safety analyses is created or affected, the change cannot involve a significant increase in the probability of an accident previously evaluated. The probability of an accident is not affected. The Main Steam and Main Feedwater System isolation valves are assumed to function to mitigate some accidents (for example, SLB [steam line break] and FWLB [main feedwater line break]). The proposed change[s] only [affect] the level of detail included in the TS. The TS requirements continue to provide the same level of assurance as before that the Main Steam and Main Feedwater System isolation valves are capable of performing their intended safety function. These isolation valves will continue to be verified operable in the same manner as before. As such, the proposed change[s do] not affect the ability of the isolation valves to perform their assumed mitigation function.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change[s] only [affect] the level of detail included in the TS. The TS requirements [are not being changed and they will] continue to provide the same level of assurance as before that the Main Steam and Main Feedwater System isolation valves are capable of performing their intended safety function. The Main Steam and Main Feedwater System isolation valves will continue to be verified operable in the same manner. As such, the proposed change[s do] not involve a modification to the physical configuration of the plant (i.e., no new equipment will be installed) or change in the methods governing normal plant operation. The proposed change[s] will not impose any new or different requirements or introduce a new accident initiator, accident precursor, or malfunction mechanism. Additionally, there is no change in the types or increases in the amounts of any effluent that may be released off-site and there is no increase in individual or cumulative occupational exposure.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. [Do] the proposed change[s] involve a significant reduction in a margin of safety?

Response: No.

The proposed change[s do] not reduce the margin of safety. The proposed change[s] only [affect] the level of detail included in the TS. The TS requirements [are not being changed and will] continue to provide the same level of assurance as before that the Main Steam and Main Feedwater System isolation valves will continue to be verified operable in the same manner as before. As such, the proposed change[s do] not affect the assumptions of any accident analysis or the availability or operability of any plant equipment.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Branch Chief: David Terao.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: February 14, 2006.

Brief description of amendment request: The proposed amendments would add a requirement to the Title 10 of the *Code of Federal Regulations*, (10 CFR) part 50 license to restrict the minimum cooling time and burnup of spent fuel assemblies that will be placed into storage in the NUHOMS HD spent fuel dry storage system at Surry starting in the summer of 2006.

Date of publication of individual notice in ***Federal Register:*** May 16, 2006 (71 FR 28390).

Expiration date of individual notice: 30 day expiration date, June 15, 2006, and 60 day expiration date, July 17, 2006.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant

Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) The applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov*.

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of application for amendment: April 26, 2004, as supplemented April 18 and October 11, 2005, and May 19, 2006.

Brief description of amendment: The amendment revised Technical Specification 3.8.7, "Inverters—Operating" to change the completion time for restoration of an inoperable Division 1 or 2 inverter from the current 24 hours to 7 days.

Date of issuance: May 26, 2006.

Effective date: As of the date of issuance and shall be implemented within 60 days of the date of issuance.

Amendment No.: 174.

Facility Operating License No. NPF–62: The amendment revised the Technical Specifications and License.

Date of initial notice in ***Federal Register:*** June 8, 2004 (69 FR 32072). The supplements dated April 18 and October 11, 2005, and May 19, 2006, provided additional information that clarified the application, but did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 26, 2006.

No significant hazards consideration comments received: No.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: June 3, 2005, as supplemented by letter dated March 7, 2006.

Brief description of amendments: The amendments revise the Updated Final Safety Analysis Report (UFSAR) to incorporate the description of the approved changes associated with the plant modifications made to the diesel generator cooling water system for each emergency diesel generator as described in the amendment application of June 3, 2005, as supplemented by letter dated March 7, 2006.

Date of issuance: May 25, 2006.

Effective date: As of the date of issuance to be implemented within 90 days from the date of issuance.

Amendment Nos.: Unit 1–160, Unit 2—160, Unit 3 –160.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revise the Operating Licenses and the UFSAR for all three units.

Date of initial notice in ***Federal Register:*** July 5, 2005 (70 FR 38715). The March 7, 2006, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 25, 2006.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: August 20, 2004, supplemented January 31, 2006.

Brief description of amendments: The amendments revised Technical Specification (TS) 3.3.8, "Post Accident Monitoring (PAM) Instrumentation," to eliminate TS requirements associated with the reactor building spray flow instruments commensurate with the importance of their post-accident function.

Date of Issuance: June 1, 2006.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 350/352/351.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the Licenses and the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 28, 2004 (69 FR 57983).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 1, 2006.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: September 19, 2005.

Brief description of amendment: The proposed changes would revise Technical Specification (TS) 3.1.1.5, "Minimum Temperature for Criticality." The request proposes to change the current Limiting Condition for Operation (LCO) for TS 3.1.1.5 by raising the minimum temperature for criticality from the current value of ≥ 525 °F to ≥ 540 °F; to change the current Action statement for LCO 3.1.1.5 to reflect this change; and to delete the current statement in Surveillance Requirement 4.1.1.5 and replace the statement with wording consistent with NUREG–1432, "Standard Technical Specifications Combustion Engineering Plants." Also, changes will be made to the ANO–2 TS Bases in accordance with the Technical Specifications (TS) Bases Control Program (ANO–2 TS 6.5.14).

Date of issuance: May 30, 2006.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 264.

Renewed Facility Operating License No. NPF–6: The amendment revised the Technical Specifications and Surveillance Requirements.

Date of initial notice in ***Federal Register:*** December 6, 2005, (70 FR 72672).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 2006.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of application for amendments: January 20, 2005, as supplemented July 5, 2005.

Brief description of amendments: The amendments revised several Technical Specifications (TSs) using six TS Task Force (TSTF) generic changes. The six TSTFs (nos. 5, 93, 258, 299, 308, and 361) delete redundant safety limit violation notification requirements; extend the pressurizer heater surveillance frequency from 92 days to 18 months; remove redundant requirements and add other requirements to the Administrative Controls section of the TSs; clarify the requirements regarding the frequency of testing for cumulative and projected dose contributions from radioactive effluents; and add a note to the residual heat removal requirements during Mode 6 low water level operations that allows one required residual heat removal (RHR) loop to be inoperable for up to 2 hours for surveillance testing provided the other RHR loop is operable and in operation.

The amendments represent partial approval of the January 20, 2005, application for the proposed amendments. The Commission has granted the request of Florida Power and Light Company (the licensee) to withdraw portions of its January 20, 2005, application for the proposed amendment. The application also included TSTF–95, which would extend the completion time for reducing the Power Range High trip setpoint from 8 to 72 hours and TSTF–101, which would change the auxiliary feedwater pump test frequency to be consistent with the inservice test program frequency. However, by letter dated March 22, 2005, the licensee withdrew the request to adopt TSTF–95 and by letter dated October 13, 2005, the licensee withdrew the request to adopt TSTF–101.

Date of issuance: May 26, 2006.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos: 229 and 225.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** March 15, 2005 (70 FR 12747). The supplement dated July 5, 2005, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 26, 2006.

No significant hazards consideration comments received: No.

Nuclear Management Company, Docket No. 50–263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota

Date of application for amendment: June 29, 2005, as supplemented by letters dated April 25 (two letters), May 4, and May 12, 2006.

Brief description of amendment: The amendment converts the current Technical Specifications (CTSs) to the Improved Technical Specifications (ITSs) format and relocates certain requirements to other licensee-controlled documents. The ITSs are based on NUREG–1433, "Standard Technical Specifications General Electric Plants BWR/4," Revision 3, dated June 2004; the Commission's Final Policy Statement, "NRC Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors," dated July 22, 1993 (58 FR 39132); and 10 CFR 50.36, "Technical specifications." The purpose of the conversion is to provide clearer and more readily understandable requirements in the TSs for MNGP to ensure safer operation of the unit. In addition, the amendment includes a number of issues that are considered beyond the scope of NUREG–1433.

Date of issuance: June 5, 2006.

Effective date: As of the date of issuance and shall be implemented by September 30, 2006.

Amendment No: 146.

Facility Operating License No. DPR–22: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** November 16, 2005 (70 FR 70889).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 5, 2006.

No significant hazards consideration comments received: No.

Amendment No: 146.

Facility Operating License No. DPR–22: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** November 16, 2005 (70 FR 70889).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 5, 2006.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: October 19, 2005, as supplemented by letter dated December 23, 2005.

Brief description of amendments: The amendments updated the Technical Specification (TS)5.3, "Unit Staff Qualifications," operator minimum qualification requirements contained in the March 28, 1980, NRC letter to all licensees with the more recent NRC-approved operator qualification requirements contained in American National Standards Institute/American Nuclear Society (ANSI/ANS) 3.1–1993. In addition, the changes removed the TS 5.3.1 plant staff retraining and replacement training program requirements, which have been superseded by requirements contained in 10 CFR 50.120.

Date of issuance: May 26, 2006.

Effective date: As of its date of issuance, and shall be implemented within 90 days of issuance.

Amendment Nos.: Unit 1—187 ; Unit 2—189.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 20, 2005 (70 FR 75495). The December 23, 2005, supplemental letter provided additional information that clarified the application, and did not expand the scope of the application as originally noticed.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 26, 2006.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket No. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2 (SSES 1 and 2), Luzerne County, Pennsylvania

Date of application for amendments: February 28, 2006, as supplemented on April 7, 2006.

Brief description of amendments: The amendments revise the SSES 1 and 2 Technical Specification (TS) Surveillance Requirements 3.8.4.7 and 3.8.4.8 to clarify that Diesel Generator "E" (DG E) electrical power subsystem testing does not require a mode restriction when the DG E diesel is not aligned to the Class 1E distribution system.

Date of issuance: May 30, 2006.

Effective date: As of the date of issuance and to be implemented within 30 days.

Amendment Nos.: 235 and 212.

Facility Operating License Nos. NPF–14 and NPF–22: The amendments revised the TSs and license.

Date of initial notice in ***Federal Register:*** March 28, 2006 (71 FR 15485). The supplement dated April 7, 2006, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 2006.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50 311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: February 10, 2005, as supplemented by letters dated July 14, 2005, and October 20, 2005.

Brief description of amendments: The amendments modified Technical Specification Surveillance Requirement 4.5.3.2 b to allow safety injection and charging pumps to run in a recirculation flow path, provided that two independent means are used to prevent injection into the reactor coolant system.

Date of issuance: May 31, 2006.

Effective date: As of the date of issuance, and shall be implemented in 60 days.

Amendment Nos.: 273 and 254.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 12, 2005 (70 FR 19116). The supplements dated July 14, 2005 and October 20, 2005 provided clarifying information only and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 2006.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: August 31, 2005, as supplemented by letters dated December 8, 2005, and April 10, 2006.

Brief description of amendments: The amendments changed the Technical Specifications (TSs) to move the requirements for the containment area high-range radiation monitors from TS 3/4.3.3.1, "Radiation Monitoring Instrumentation," to TS 3/4.3.3.7, "Accident Monitoring Instrumentation," and correct a typographical error in Surveillance Requirement 4.2.2.

Date of issuance: May 25, 2006.

Effective date: May 25, 2006.

Amendment Nos.: 272 and 253.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the TSs.

Date of initial notice in ***Federal Register:*** January 17, 2006 (71 FR 2594). The April 10, 2006 supplement did not expand the scope of the application, as originally noticed, and did not change the staff's original proposed no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 25, 2006.

No significant hazards consideration comments received: No.

R.E. Ginna Nuclear Power Plant, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: April 29, 2005, as supplemented on August 15 and December 9, 2005, and January 11 and 25, and May 9, 2006.

Brief description of amendment: The amendment revises Technical Specification (TS) 3.5.1, "Accumulators," and TS 3.5.4, "Refueling Water Storage Tank," to reflect the results of revised analyses performed to accommodate the proposed extended power uprate and revises TS 5.6.4, "Core Operating Limits Report," to permit the use of approved methodology for large-break and small-break loss-of-coolant accident analyses.

Date of issuance: May 31, 2006.

Effective date: As of the date of issuance to be implemented prior to restart from the fall 2006 refueling outage.

Amendment No.: 96.

Renewed Facility Operating License No. DPR–18: Amendment revised the Technical Specifications and the license.

Date of initial notice in ***Federal Register:*** June 7, 2005 (70 FR 33219). The August 15 and December 9, 2005, and January 11 and 25, and May 9, 2006, letters provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 2006.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: March 17, 2006, as supplemented on April 14, 2006. The supplemental letter dated April 14, 2006, provided clarifying information that did not change the scope of the March 17, 2006, application nor the initial proposed no significant hazards consideration determination.

Brief description of amendments: The amendments authorized the licensee to credit administering potassium iodide (KI) to reduce the 30-day post-accident thyroid dose to the occupants of the main control room for an interim period of 4 years. In addition, the design-basis accident analysis section of the Updated Final Safety Analysis Reports will be updated to reflect crediting of KI.

Date of issuance: May 25, 2006.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 249 and 193.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Operating Licenses.

Date of initial notice in ***Federal Register:*** March 27, 2006 (71 FR 15223). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 25, 2006.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, et al., Docket Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendments: July 21, 2005.

Brief Description of amendments: These amendments revised the Technical Specifications (TSs) to change the accident monitoring instrumentation listing, allowed outage times, requirements, and surveillances to be consistent with the requirements of the Improved TSs for post-accident monitoring instrumentation.

Date of issuance: May 31, 2006.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 247/246.

Renewed Facility Operating License Nos. DPR–32 and DPR–37: Amendments change the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 3, 2006 (71 FR 155).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 2006.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this June 12, 2006.

For the Nuclear Regulatory Commission.

Catherine Haney,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–9434 Filed 6–19–06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–27393; File No. 812–13263]

ING USA Annuity and Life Insurance Company, et al.; Notice of Application

June 13, 2006.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under Section 6(c) of the Investment Company Act of 1940 (the "Act") granting exemptions from the provisions of Sections 2(a)(32), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder.

APPLICANTS: ING USA Annuity and Life Insurance Company ("ING USA"), Separate Account B of ING USA Annuity and Life Insurance Company ("Account B"), ReliaStar Life Insurance Company of New York ("RLNY") (ING USA and RLNY collectively, the "Life Companies"), Separate Account NY–B of ReliaStar Life Insurance Company of New York ("Account NY–B") (Account B and Account NY–B collectively, the "Accounts"), and Directed Services, Inc. ("DSI").

SUMMARY OF THE APPLICATION: The Applicants request an order pursuant to Section 6(c) of the Act exempting them from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent necessary to permit recapture of certain bonuses applied to purchase payments with respect to: (1) The deferred variable annuity contracts and certificates described herein that the Life Companies intend to issue (the "Current Contracts"); (2) deferred variable annuity contracts and certificates, substantially similar to the Current Contracts that the Life Companies may issue in the future (the "Future Contracts") (Current Contracts and Future Contracts collectively, the "Contracts"); (3) any other separate accounts of the Life Companies and their successors in interest ("Future Accounts") that support the Contracts; and (4) any National Association of Securities Dealers, Inc. ("NASD") member broker-dealers controlling, controlled by, or under common control with any Applicant, whether existing or created in the future, that in the future, may act as principle underwriter for the Contracts ("Future Underwriters"). The circumstances under which the Contracts would allow the recapture of all or a portion of certain bonus credits (previously applied to premium payments) are where the bonus credits were applied and: (1) The contract owner exercises his or her "free look" right; (2) the contract owner dies within twelve months of the bonus credit being applied (unless the Contract is continued under the spousal benefit continuation option); or (3) the contract owner takes a partial withdrawal or surrenders the contract in the first seven or four contract years, as applicable, pursuant to the bonus credit recapture schedule set forth below.

FILING DATE: The application was filed on February 28, 2006 and amended and restated on May 3, 2006.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on July 7, 2006, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants, c/o Nicole J. Starr, Counsel, ING USA Annuity and Life Insurance Company, 1475 Dunwoody Drive, West Chester, Pennsylvania 19380.

FOR FURTHER INFORMATION CONTACT: Alison White, Senior Counsel, or Joyce M. Pickholz, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551–6795.

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application is available for a fee from the Public Reference Branch of the Commission, 100 F Street, NE., Room 1580, Washington, DC 20549.

Applicants' Representations

1. ING USA is an Iowa stock life insurance company, which was originally incorporated in Minnesota on January 2, 1973. ING USA is a wholly owned subsidiary of Lion Connecticut Holdings, Inc. ("Lion Connecticut") which in turn is an indirect wholly owned subsidiary of ING Groep N.V. ("ING Group"), a global financial services holding company based in The Netherlands. ING USA is authorized to sell insurance and annuities in all states, except New York, and the District of Columbia. ING USA is the depositor and sponsor for Account B. ING USA also serves as depositor for several currently existing Future Accounts, one or more of which may support obligations under the Contracts. ING USA may establish one or more additional Future Accounts for which it will serve as depositor.

2. ING USA established Account B as a segregated investment account under Delaware law on July 14, 1988. Account B is registered with the Commission as a unit investment trust (File No. 811–5626), and interests in Account B offered through the Contracts will be registered under the Securities Act of 1933 on form N–4.

3. RLNY is a New York stock life insurance company originally incorporated on June 11, 1917 under the name, The Morris Plan Insurance Society. RLNY is an indirect wholly owned subsidiary of ING Group. RLNY is authorized to transact business in all states, the District of Columbia, the Dominican Republic, and the Cayman Islands and is principally engaged in the business of providing individual life insurance and annuities, employee benefit products and services, retirement plans, and life and health reinsurance. RLNY is the depositor and sponsor for Account NY–B. RLNY also serves as depositor for several currently existing Future Accounts, one or more of which may support obligations under the Contracts. RLNY may establish one or more additional Future Accounts for which it will serve as depositor.

4. Account NY–B was established as a separate account of First Golden American Life Insurance Company of

New York ("First Golden") on June 13, 1996. It became a separate account of RLNY as a result of the merger of First Golden into RLNY effective April 1, 2002. Account NY–B is registered with the Commission as a unit investment trust (File No. 811–7935).

5. The Accounts currently are divided into a number of subaccounts. Each subaccount invests exclusively in shares representing an interest in a separate corresponding investment portfolio of one of several series-type open-end management investment companies. The assets of the Accounts support one or more varieties of variable annuity contracts, including the Contracts.

6. DSI is a wholly owned subsidiary of Lion Connecticut Holdings, Inc., which is in turn a wholly owned subsidiary of ING Group. It serves as the principal underwriter of a number of RLNY and ING USA separate accounts registered as unit investment trusts under the Act, including the Accounts, and is the distributor of the variable life insurance contracts and variable annuity contracts issued through such separate accounts, including the Contracts. DSI is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the NASD. DSI may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Contracts. Future Underwriters also may act as principal underwriter for the Accounts and as distributor for any of the Contracts.

7. The Contracts are deferred combination variable and fixed annuity contracts that a Life Company may issue to individuals or groups on a "non-qualified" basis or in connection with employee benefit plans that receive favorable Federal income tax treatment under the Internal Revenue Code of 1986, as amended. The Contracts make available a number of subaccounts of the Accounts to which an owner may allocate net premium payments and associated bonus credits (described below) and to which an owner may transfer contract value. There are categories of subaccounts for purposes of determining benefits under living benefits and death benefits. The Contracts also offer fixed-interest allocation options under which a Life Company credits guaranteed rates of interest for various periods. A market value adjustment applies to the fixed-interest allocation options under the Contracts. An owner may make transfers of contract value among and between the subaccounts and, subject to certain restrictions, among and between the subaccounts and the fixed-interest allocation options at any time.

8. The Contracts offer a variety of annuity payment options to an owner. The owner may annuitize any time following the fifth contract anniversary. If a contingent deferred sales charge remains at the time of annuitization, the annuity payment option must include at least a 10 year fixed period. In the event of an owner's (or the annuitant's, if any owner is not an individual) death prior to annuitization, the beneficiary may elect to receive the death benefit in the form of one of the annuity payment options instead of a lump sum. The Contracts generally may only be purchased with a minimum initial premium of $10,000 ($1,500 for certain employee benefit plans).

9. A Life Company may deduct a premium tax charge from premium payments in certain states, but otherwise deducts a charge for premium taxes upon surrender or annuitization of the Contract or upon the payment of a death benefit, depending upon the jurisdiction. The Contracts provide for an annual administrative charge of $40 that a Life Company deducts on each Contract Anniversary and upon a full surrender of a Contract. A daily mortality and expense risk charge is deducted from the assets of the Accounts at a rate depending on the death benefit chosen as described below. The range of maximum mortality and expense risk charges is 1.70% to 2.80% annually. A daily administrative charge is deducted from the assets of the Account at an annual rate of 0.15%. The Contracts provide for a charge of $25 for each transfer of contract value in excess of twelve transfers per contract year. The Life Companies currently waive this charge and anticipate waiving this charge for the foreseeable future. The Contracts have a surrender charge in the form of a contingent deferred sales charge as described more fully below. If an owner chooses an optional surrender charge schedule rider that reduces the length of time during which the contingent deferred sales charge is applied, an additional charge will be deducted as described below. A quarterly charge is assessed depending on the type of optional living benefit chosen, if any, as described below. Lastly, if an owner chooses the optional premium credit rider, an additional charge will be deducted as described below.

10. The contingent deferred sales charge (the "CDSC") is equal to a percentage of each premium payment surrendered or withdrawn. The CDSC is separately calculated and applied to each premium payment at any time that the premium payment (or part of the premium payment) is surrendered or withdrawn. The CDSC applicable to each premium payment diminishes to zero as the payment ages. The Contracts offer a standard CDSC schedule as follows:

Number of full years since payment of each premium	Charge (percent)
0	8.0
1	7.0
2	6.0
3	5.0
4	4.0
5	3.0
6	2.0
7+	0.0

However, the owner may choose a shorter optional CDSC schedule for an extra charge (see below). The optional CDSC schedule is as follows:

Number of full years since payment of each premium	Charge (percent)
0	8.0
1	7.0
2	6.0
3	5.0
4+	0.0

The charge for the optional CDSC schedule is currently 0.45% of contract value per year, assessed quarterly for four years. The maximum charge for the optional CDSC schedule will be 0.90% of contract value per year, assessed quarterly for four years.

11. The CDSC does not apply when a death benefit is payable under the contracts or to contract value representing an annual free withdrawal amount or to contract value in excess of aggregate premium payments (less prior withdrawals of premium payments) ("earnings"). The CDSC is calculated using the assumption that premium payments are withdrawn on a first-in, first-out basis. The CDSC also is calculated using the assumption that contract value is withdrawn in the following order: (a) The annual free withdrawal amount for that contract year; (b) premium payments; and (c) earnings. The annual free withdrawal amount is 10% of contract value, measured at the time of withdrawal, less any prior withdrawals made in that contract year.

12. Subject to state availability, an owner may purchase optional living benefit riders. The minimum guaranteed income benefit rider (the "MGIB Rider") guarantees that a minimum amount of annuity income will be available to the owner, regardless of fluctuating market conditions, if the owner annuitizes on or after the rider's exercise date. The minimum guaranteed amount of annuity income will depend on the amount of

premiums paid and any credits received, if applicable, during the specified number of contract years after the owner purchases the MGIB Rider, how the owner allocates the contract value among the subaccounts and fixed-interest allocations, and any withdrawals and transfers the owner makes while the MGIB Rider is in effect. A Life Company will deduct a maximum annual charge of 1.50% (currently, 0.75%) quarterly of the MGIB Charge Base (as defined in the MGIB Rider).

13. The minimum guaranteed withdrawal benefit rider (the "MGWB Rider") guarantees that a certain amount may be withdrawn annually regardless of market performance and even if the contract value is reduced to zero. Some Contracts offer the guaranteed withdrawal amount until the MGWB Base (as defined in the MGWB Rider) is completely recovered. Most Contracts offer the guaranteed withdrawal amount for life. The Life Companies expect to extend the guaranteed withdrawal amount for until the death of the second designated life. The MGWB Rider is subject to conditions and limitations. A Life Company will deduct a maximum annual charge of 1.50% (currently, between 0.45% and 0.75%, depending on the rider and Contract) quarterly of the charge basis (as set forth in the MGWB Rider).

14. If an owner dies before the annuity start date, the Contracts provide for a death benefit payable to a beneficiary, computed as of the date a Life Company receives written notice and due proof of death. The death benefit payable to the beneficiary depends on the death benefit option selected by the owner: (a) Standard death benefit; (b) ratchet death benefit; or (c) rollup death benefit. In the future, a Life Company may also offer an optional earnings multiplier benefit rider.

15. The standard death benefit equals the greater of the (a) base death benefit, and (b) premium and bonus credits, adjusted pro-rata for withdrawals and transfers, less total bonus credits applied since or within twelve months prior to death. The base death benefit is the greater of the (1) contract value on the claim date, less bonus credits applied since or within twelve months prior to death, and (2) cash surrender value. The maximum daily mortality and risk charge for the standard death benefit is the annual rate of 1.70% (currently 0.85%). A Life Company may, in the future, offer the base death benefit as a stand alone option for the maximum daily mortality and risk charge of 2.00% annually.

16. The ratchet death benefit equals the greater of the (a) standard death benefit, and (b) greatest contract value as of any quarterly or annual, as applicable, contract anniversary occurring on or prior to the maximum attained age, adjusted for new premiums and bonus credits, reduced pro rata for withdrawals and transfers, less bonus credits applied since or within twelve months prior to death. The maximum daily mortality and risk charge for the ratchet death benefit is the annual rate of 2.20% (currently 1.10%).

17. The roll-up death benefit equals the greater of (a) the ratchet death benefit, and (b) the lesser of (1) a specified maximum percentage of all premiums plus bonus credits adjusted pro-rata for withdrawals and transfers, or (2) premiums and bonus credits, if applicable, adjusted for withdrawals and transfers accumulated at a specified percentage up to the maximum attained age, less bonus credits applied since or within twelve months prior to death. The maximum daily mortality and risk charge for the roll-up death benefit is the annual rate of 2.80% (currently 1.40%).

18. The earnings multiplier benefit rider provides a separate additional death benefit option. This rider provides additional funds to the beneficiary that be used to help pay the taxes on the death benefit. Upon the owner's death, the beneficiary receives an amount equal to a percentage of the Contract's earnings, if any, up to a maximum amount. The maximum charge is 0.50% (currently 0.25%).

19. The Life Companies intend to offer an optional bonus credit rider under the Contracts, which the owner may elect at the time of application. Under the bonus credit rider, a Life Company credits the contract value in the subaccounts and the fixed-interest allocations with a bonus credit amount that is a percentage of each premium payment made. The bonus credit applies upon issuance of the Contract and is based upon premium payments received within the first contract year. A Life Company allocates the bonus credit for the applicable premium payment among the subaccounts and fixed-interest allocations the owner selects in proportion to the premium payment allocated to each investment option. If the owner has elected to retain the standard CDSC schedule, the bonus credit equals 4% of each premium payment made in the first contract year. If the owner has elected to have the optional CDSC schedule rider, the bonus credit equals 2% of each premium payment made in the first contract year. A Life Company reserves the right to increase or decrease the amount of the bonus credit or discontinue the bonus credit rider in the future.

20. The maximum annual charge assessed for the bonus credit rider (as a percentage of contract value) is 0.57% (currently, 0.55%) for the first seven contract years if the owner retains the standard CDSC schedule and 0.50% (currently, 0.45%) for the first four contract years if the owner selects the optional CDSC schedule rider. The charge is deducted from the contract value in the subaccounts and from amounts in fixed interest allocations by crediting a lower interest rate.

21. Under the bonus credit rider, a Life Company recaptures or retains the bonus credits in several circumstances. First, a Life Company recaptures or retains 100% of the bonus credits in the event that the owner exercises his or her cancellation right during the "free look" period. Second, a Life Company recaptures the bonus credits applied to premium payments made since or within twelve months of the date as of which a death benefit is computed (unless the Contract is continued under the spousal benefit continuation option). Third, a Life Company also will recapture part or all of the applicable bonus credit upon surrender or withdrawal of corresponding premium payments.

22. In the event of a surrender or withdrawal, the amount of the bonus credit a Life Company will recapture is based on the percentage of the corresponding premium payment withdrawn and the contract year of surrender or withdrawal. For each premium payment, the portion of the bonus credit subject to recapture is the total bonus credit amount attributable to that premium payment multiplied by the percentage of the corresponding premium payment withdrawn. The dollar amount of the bonus credit recaptured is the portion of the bonus credit subject to recapture multiplied by the applicable recapture percentage. The recapture percentage applicable to each bonus credit depends on which CDSC is in effect and when the premium payment associated with such bonus credit was withdrawn. If the standard CDSC schedule is chosen, the recapture percentage applicable to each bonus credit is level for the first two contract years and diminishes to zero after the seventh contract year. The schedule is as follows:

Contract year of surrender or withdrawal	Bonus credit recapture percentage (percent)
Years 1–2	100
Years 3–4	75
Years 5–6	50
Year 7	25
Years 8+	0

If the optional CDSC schedule rider is chosen, the recapture percentage applicable to each bonus credit diminishes to zero after the fourth contract year. The schedule is as follows:

Contract year of surrender or withdrawal	Bonus credit recapture percentage (percent)
Year 1	100
Year 2	75
Year 3	50
Year 4	25
Years 5+	0

A Life Company will not recapture bonus credits attributable to premium payments withdrawn representing the annual free withdrawal amount or to contract value representing earnings.

23. Because of the recapture provisions discussed above, the value of a bonus credit only fully vests or belongs irrevocably to the owner when the recapture period for the bonus credit expires. All bonus credits vest over the 4-year period or 7-year period, as applicable, after a Life Company grants them. Under the bonus credit rider, a Life Company applies the bonus credit to an owner's contract value either by "purchasing" accumulation units of an appropriate subaccount or adding to the owner's fixed interest allocation option values.

24. With regard to variable contract value, several consequences flow from the foregoing. First, increases in the value of accumulation units representing bonus credits accrue to the owner immediately, but the initial value of such units only belongs to the owner when, or to the extent that, each vests. Second, decreases in the value of accumulation units representing bonus credits do not diminish the dollar amount of contract value subject to recapture. Therefore, additional accumulation units must become subject to recapture as their value decreases. Stated differently, the proportionate share of any owner's variable contract value (or the owner's interest in the Account) that a Life Company can "recapture" increases as variable contract value (or the owner's interest in the Account) decreases. This dilutes somewhat the owner's interest in the Account vis-à-vis a Life Company and other owners, and in his or her variable contract value vis-à-vis a Life Company. Lastly, because it is not administratively feasible to track the unvested value of bonus credits in the Account, a Life Company deducts the daily mortality and expense risk charge and the daily administrative charge from the entire net asset value of the Account. As a result, the daily mortality and expense risk charge, the daily administrative charge, and the daily bonus credit rider paid by any owner is greater than that which he or she would pay without the bonus credit.

25. Applicants previously have received an order for exemptive relief to permit the recapture of certain bonus credits on the prior contracts in similar circumstances to those described above. That order encompassed relief for future contracts substantially similar in all material respects to the prior contracts. Applicants assert that the Contracts described in the application differ from the prior contracts in several respects. Charges are slightly higher. The Contracts also offer living benefits and death benefit options not available with the prior contracts. Because the Applicants believe the Commission may view these differences as material, Applicants are seeking an additional order as set forth in the application.

Legal Analysis

1. The Applicants hereby request that the Commission issue an order pursuant to Section 6(c) of the Act to exempt the Applicants with respect to: (a) The Contracts; (b) Future Accounts that support the Contracts; and (c) Future Underwriters from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the recapture of all or a portion of the bonus credits (previously applied to premium payments) in the circumstances described above.

2. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Subsection (i) of Section 27 provides that Section 27 does not apply to any registered separate account supporting variable annuity contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of subsection (i). Paragraph (2) provides that it shall be unlawful for a registered separate account or sponsoring insurance company to sell a variable annuity contract supported by the separate account unless the " * * * contract is a redeemable security; and * * * [t]he insurance company complies with Section 26(e)* * *"

4. Section 2(a)(32) defines a "redeemable security" as any security, other than short-term, paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

5. Rule 22c–1 imposes requirements with respect to both the amount payable on redemption of a redeemable security and the time as of which such amount is calculated. Specifically, Rule 22c–1, in pertinent part, prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security from selling, redeeming or repurchasing any such security, except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption, or of an order to purchase or sell such security.

6. To the extent that the recapture of the bonus credits arguably could be seen as a discount from the net asset value, or arguably could be viewed as resulting in the payment to an owner of less than the proportional share of the issuer's net assets, in violation of Sections 2(a)(32) or 27(i)(2)(A) of the Act, the bonus credit recapture would trigger the need for relief absent some exemption from the Act. Rule 6c–8 provides, in relevant part, that a registered separate account, and any depositor of such account, shall be exempt from Sections 2(a)(32), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit them to impose a deferred sales loan on any variable annuity contract participating in such account. However, the bonus credit recapture is not a sales load. Rather, it is a recapture of a bonus credit previously applied to an owner's premium payments. A Life Company provides the bonus credit from its general account on a guaranteed basis. The Contracts are designed to be long-term investment vehicles. In undertaking this financial obligation, a

Life Company contemplates that an owner will retain a Contract over an extended period, consistent with the long-term nature of the Contracts. A Life Company designed the product so that it would recover its costs (including the bonus credits) over an anticipated duration while a Contract is in force. If an owner withdraws his or her money during the free look period, a death benefit is paid, or a withdrawal or surrender is made before this anticipated period, a Life Company must recapture the bonus credits subject to recapture in order to avoid a loss.

7. Applicants submit that the proposed bonus credit rider would not violate Sections 2(a)(32) or 27(i)(2)(A) of the Act. A Life Company would grant bonus credits out of its general account assets and the amount of the bonus credits (although not the earnings on such amounts) would remain the Life Company's until such amounts vest with the owner. Until the appropriate recapture period expires, a Life Company retains the right to and interest in each owner's contract value representing the dollar amount of any unvested bonus credits. Therefore, if a Life Company recaptures any bonus credit or part of a bonus credit in the circumstances described above, it would merely be retrieving its own assets. To the extent that a Life Company may grant and recapture bonus credits in connection with variable contract value, it would not, at either time, deprive any owner of his or her then proportionate share of the Account's assets.

8. Applicants further submit that the dynamics of the proposed bonus credit rider would not violate Sections 2(a)(32) or 27(i)(2)(A) of the Act because the recapture of bonus credits would not, at any time, deprive an owner of his or her proportionate share of the current net assets of an Account. Section 2(a)(32) defines a redeemable security as one "under the terms of which the holder, *upon presentation to the issuer*, is entitled to receive *approximately* his proportionate share of the issuer's *current* net asset value." Taken together, these two sections of the Act do not require that the holder receive the exact proportionate share that his or her security represented at a prior time. Therefore, the fact that the proposed bonus credit provisions have a dynamic element that may cause the relative ownership positions of a Life Company and a Contract owner to shift due to Account performance and the vesting schedule of such credits, would not cause the provisions to conflict with Sections 2(a)(32) or 27(i)(2)(A). Nonetheless, in order to avoid any uncertainty as to full compliance with the Act, Applicants seek exemptions from these two sections.

9. A Life Company's granting of bonus credits would have the result of increasing an owner's contract value in a way that arguably could be viewed as the purchase of an interest in the Account at a price below the current net asset value. Similarly, a Life Company's recapture of any bonus credit arguably could be viewed as the redemption of such an interest at a price above the current net asset value. If such is the case, then the bonus credit rider arguably could be viewed as conflicting with Rule 22c–1. Applicants contend that these are not correct interpretations or applications of these statutory and regulatory provisions. Applicants also contend that the bonus credits do not violate Rule 22c–1.

10. Rule 22c–1 was intended to eliminate or reduce, as far as was reasonably practicable, (a) the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption at a price above net asset value, or (b) other unfair results, including speculative trading practices. Applicants submit that the evils prompting the adoption of Rule 22c–1 were primarily the result of backward pricing, the practice of basing the price of a mutual fund share on the net asset value per share determined as of the close of the market on the previous day. Backward pricing permitted certain investors to take advantage of increases or decreases in net asset value that were not yet reflected in the price, thereby diluting the values of outstanding shares.

11. The bonus credit rider does not give rise to either of the two evils that Rule 22c–1 was designed to address. First, the proposed bonus credit rider poses no such threat of dilution. An owner's interest in his or her contract value or in the Account would always be offered at a price based on the net asset value next calculated after receipt of the order. The granting of a bonus credit does not reflect a reduction of that price. Instead, a Life Company would purchase with its general account assets, on behalf of the owner, an interest in the Account equal to the bonus credit. Because the bonus credit will be paid out of the general account assets, not the Account assets, no dilution will occur as a result of the bonus credit. Recaptures of bonus credits result in a redemption of a Life Company's interest in an owner's contract value or in the Account at a price determined based on the Account's current net asset value and not at an inflated price. Moreover, the amount recaptured will always equal the amount that a Life Company paid from its general account for the bonus credits. Similarly, although an owner is entitled to retain any investment gains attributable to the bonus credits, the amount of such gains would always be computed at a price determined based on net asset value.

12. Second, Applicants submit that speculative trading practices calculated to take advantage of backward pricing will not occur as a result of a Life Company's recapture of the bonus credit. Variable annuities are designed for long-term investment, and by their nature, do not lend themselves to the kind of speculative short-term trading that Rule 22c–1 was designed to prevent. More to the point, the bonus credit recapture simply does not create the opportunity for speculative trading.

13. Rule 22c–1 should have no application to the bonus credit available, as neither of the harms that Rule 22c–1 was intended to address arise in connection with the proposed bonus credit rider. Nonetheless, in order to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Rule 22c–1.

14. The Applicants submit that the Commission should grant the exemptions requested in the application even if the bonus credit rider arguably conflicts with Sections 2(a)(32), or 27(i)(2)(A) of the Act or Rule 22c–1 thereunder. The bonus credit is generally beneficial to an owner. The recapture tempers this benefit somewhat, but unless the owner dies, the owner retains the ability to avoid the bonus credit recapture in the circumstances described herein. While there would be a small downside in a declining market where losses on the bonus credit amount would vest with him or her immediately, it is the converse of the benefits an owner would receive on the bonus amounts in a rising market because earnings on the bonus credit amount vest with him or her immediately. As any earnings on bonus credits applied would not be subject to recapture and thus would be immediately available to an owner, likewise any losses on bonus credits would also not be subject to recapture and thus would be immediately available to an owner. The bonus credit recapture does not diminish the overall value of the bonus credits.

15. The bonus credit recapture provision is necessary for a Life Company to offer the bonus credits and avoid anti-selection against it. It would be unfair to a Life Company to permit

an owner to keep his or her bonus credits upon his or her exercise of the Contract's "free look" provision. Because no CDSC applies to the exercise of the "free look" provision, the owner could obtain a quick profit in the amount of the bonus credit at a Life Company's expense by exercising that right. Similarly, the owner could take advantage of the bonus credit by taking withdrawals within the recapture period, because the cost of providing the bonus credit is recouped through charges imposed over a period of years. Likewise, because no additional CDSC applies upon death of an owner (or annuitant), a death shortly after the award of bonus credits would afford an owner or a beneficiary a similar profit at a Life Company's expense.

16. In the event of such profits to an owner or beneficiary, a Life Company could not recover the cost of granting the bonus credits. This is because a Life Company intends to recoup the costs of providing the bonus credits through the charges under the bonus credit rider and the Contract, particularly the daily mortality and expense risk charge and the daily administrative charge. If the profits described above are permitted, an owner could take advantage of them, reducing the base from which the daily charges are deducted and greatly increasing the amount of bonus credits that a Life Company must provide. Therefore, the recapture provisions are a price of offering the bonus credits. A Life Company simply cannot offer the proposed bonus credits without the ability to recapture those credits in the limited circumstances described herein.

17. Applicants state that the Commission's authority under Section 6(c) of the Act to grant exemptions from various provisions of the Act and rules thereunder is broad enough to permit orders of exemption that cover classes of unidentified persons. Applicants request an order of the Commission that would exempt them, the Life Companies' successors in interest, Future Accounts and Future Underwriters from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder with respect to the Contracts. The exemption of these classes of persons is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because all of the potential members of the class could obtain the foregoing exemptions for themselves on the same basis as the Applicants, but only at a cost to each of them that is not justified by any public policy purpose. As discussed below, the requested exemptions would only extend to persons that in all material respects are the same as the Applicants. The Commission has previously granted exemptions to classes of similarly situated persons in various contexts and in a wide variety of circumstances, including class exemptions for recapturing bonus credits under variable annuity contracts.

18. Applicants represent that any contracts in the future will be substantially similar in all material respects to the Contracts, but particularly with respect to the bonus credits and recapture of bonus credits, and that each factual statement and representation about the bonus credit rider will be equally true of any Contracts in the future. Applicants also represent that each material representation made by them about the Account and DSI will be equally true of Future Accounts and Future Underwriters, to the extent that such representations relate to the issues discussed in this Application. In particular, each Future Underwriter will be registered as a broker-dealer under the Securities Exchange Act of 1934 and be an NASD member.

19. For the reasons above, Applicants submit that the bonus credit rider involves none of the abuses to which provision of the Act and rules thereunder are directed. The owner will always retain the investment experience attributable to the bonus credit and will retain the principal amount in all cases except under the circumstances described herein. Further, a Life Company should be able to recapture such bonus credits to limit potential losses associated with such bonus credits.

Conclusion

Applicants submit that the exemptions requested are necessary or appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and consistent with and supported by Commission precedent. Applicants also submit, based on the analysis listed above, that the provisions for recapture of any bonus credit under the Contracts does not violate Section 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder. The Applicants hereby request that the Commission issue an order pursuant to Section 6(c) of the Act to exempt the Applicants with respect to: (a) The Contracts; (b) Future Accounts that support the Contracts; and (c) Future Underwriters from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the recapture of all or a portion of the bonus credits (previously applied to premium payments) in the circumstances described above.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Nancy M. Morris,

Secretary.

[FR Doc. E6–9607 Filed 6–19–06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53975; File No. SR–CBOE–2006–51]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Regarding Market-Maker Appointments

June 12, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 19, 2006, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend CBOE Rule 8.3 relating to Market-Maker appointments. The text of the proposed rule change is available on the CBOE's Web site (*http://www.cboe.com*), at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend CBOE Rule 8.3 relating to Market-Maker appointments. Currently, CBOE Rule 8.3(c) provides that a Market-Maker can quote: (i) Electronically in all Hybrid and Hybrid 2.0 Classes that are located in one designated trading station ("appointed trading station"); (ii) in open outcry in all classes traded on the Exchange; and (iii) electronically in either two additional Hybrid 2.0 Classes in Tier A or Tier B that are not located in the Market-Maker's appointed trading station, or five additional Hybrid 2.0 Classes in Tiers C, D, or E that are not located in the Market-Maker's appointed trading station.

CBOE now proposes to modify the above provisions as follows which would allow Market-Makers additional flexibility in choosing their appointed classes and make the Market-Maker appointment process similar to the process applicable to Remote Market-Maker ("RMM") appointments.

First, like RMMs, CBOE proposes to allow a Market-Maker to create a Virtual Trading Crowd ("VTC") appointment, which would confer the right to quote electronically in an appropriate number of Hybrid 2.0 Classes (as defined in CBOE Rule 1.1(aaa)) selected from "tiers" that have been structured according to trading volume statistics. All classes within a specific tier would be assigned an "appointment cost" depending upon its tier location. The following table sets forth the tiers and related appointment costs, which are identical to the tiers and appointment costs set forth in CBOE Rule 8.4(d) that have been structured for purposes of RMMs appointments.

Tier	Hybrid 2.0 option classes	Appointment cost
AA	Options on the CBOE Volatility Index (VIX)	.50
A+	• Options on Standard & Poor's Depositary Receipts	.25
	• Options on the Nasdaq-100 Index Tracking Stock	
A*	Hybrid 2.0 Classes 1—60	.10
B*	Hybrid 2.0 Classes 61—120	.05
C*	Hybrid 2.0 Classes 121—345	.04
D*	Hybrid 2.0 Classes 346—570	.02
E*	All Remaining Hybrid 2.0 Classes	.01

*Excludes Tier AA and A+ Classes.

CBOE believes that allowing Market-Makers the same flexibility as RMMs to choose and structure a VTC appointment composed of Hybrid 2.0 Classes is appropriate, and would provide Market-Makers with additional trading opportunities outside of their appointed trading station.

With respect to Hybrid Classes (as defined in CBOE Rule 1.1(aaa)), CBOE proposes to allow a Market-Maker to quote electronically in an appropriate number of Hybrid Classes that are located at one trading station, which is similar to the current manner in which Market-Makers request appointments, *i.e.*, by trading station. CBOE proposes to assign an appointment cost of .01 to each Hybrid Class.

With regard to trading in open outcry, CBOE Rule 8.3 currently provides that a Market-Maker has an appointment to trade in open outcry in all classes traded on the Exchange. Because CBOE is proposing to apply an appointment cost to each option class traded on the Exchange, including both Hybrid and non-Hybrid option classes, CBOE proposes to amend CBOE Rule 8.3 to provide that a Market-Maker has an appointment to trade in open outcry in all Hybrid and Hybrid 2.0 Classes traded on the Exchange. A Market-Maker would be required to be physically present in the trading crowd where an option class is located in order to trade in open outcry in that option class. A Market-Maker would be permitted to submit electronic quotations into any of his/her appointed Hybrid or Hybrid 2.0 Classes while the Market-Maker is trading in open outcry.

For non-Hybrid and non-Hybrid 2.0 Classes (collectively "Non-Hybrid Classes"), CBOE proposes to allow a Market-Maker to select as his appointment one or more Non-Hybrid Classes traded on the Exchange, which would confer the right to trade in open outcry in an appropriate number of Non-Hybrid Classes. Each Non-Hybrid Class would be assigned an appointment cost, which are set forth below.

Non-Hybrid classes	Appointment cost
Options on the Standard & Poor's 500 (SPX)	*1.0*
• *Options on the S&P 100 (OEX)**	
• *Options on the S&P 100 (XEO)**	*1.0*
NASDAQ 100 Index Options (NDX)	*1.0*
Options on the iShares Russell 2000 Index Fund (IWM)	*.85*
Options on the Russell 2000 Index (RUT)	*.45*
Morgan Stanley Retail Index Options (MVR)	*.25*
Options based on 1/10th the Value of The Dow Jones Industrial Average (DXL)	*.01*
Options on the iShares S&P 100 (OEF)	*.01*

*The OEX and XEO options classes collectively have an appointment cost of 1.0.

As is the case for RMMs, each membership owned or leased by a Market-Maker would have an appointment credit of 1.0. A Market-Maker may select for each Exchange membership it owns or leases any combination of Hybrid 2.0 Classes, Hybrid Classes which are located at one trading station, and Non-Hybrid Classes, whose aggregate "appointment cost" does not exceed 1.0. The Exchange would rebalance the "tiers" (excluding the "AA" and "A+" tiers) set forth in paragraph (c)(i) of Rule 8.3 once each calendar quarter, which may result in additions or deletions to their composition. When a class changes tiers it would be assigned the appointment cost of that tier. Upon rebalancing, each Market-Maker with a VTC appointment would be required to own or lease the appropriate number of Exchange

memberships reflecting the revised appointment costs of the Hybrid and Hybrid 2.0 Classes constituting its appointment. These provisions relating to re-balancing are identical to the provisions contained in CBOE Rule 8.4(d) applicable to RMMs.

In new paragraph (c)(vi) of CBOE Rule 8.3, CBOE proposes to continue and modify slightly an existing Pilot Program in effect until March 24, 2007, which allows a Market-Maker to quote remotely. The existing Pilot Program provides that a Market-Maker may submit electronic quotations in his/her appointed Hybrid and Hybrid 2.0 Classes from outside of his/her appointed trading station.[3] Because CBOE is proposing to allow Market-Makers to create a VTC consisting of Hybrid 2.0 Classes, CBOE proposes to modify the Pilot Program such that it provides Market-Makers with the ability to quote remotely away from CBOE's trading floor in their appointed Hybrid and Hybrid 2.0 option classes. While on the trading floor, there would be no requirement that a Market-Maker must be present in a particular trading station in order to stream electronic quotations into his/her appointed classes.

CBOE also proposes to continue two existing Pilot Programs set forth in CBOE Rules 8.4(c)(i) and 8.93(vii), which are in effect until September 14, 2006, and which provide that an RMM or e-DPM in an option class can have one Market-Maker affiliated with the RMM or e-DPM trading in the option class. However, CBOE Rule 8.3(c) would continue to require that a Market-Maker affiliated with an e-DPM or RMM can submit electronic quotations in any class in which the affiliated e-DPM or RMM has an appointment only if the Market-Maker is present in the trading station where the class is located.[4] CBOE also notes in paragraph (c)(vii) to CBOE Rule 8.3 that a Market-Maker and an affiliated e-DPM or affiliated RMM can operate as multiple aggregation units under the criteria set forth in CBOE Rule 8.4(c)(ii) pursuant to a Pilot Program that expires on March 14, 2007.

In new paragraph (c)(viii) to CBOE Rule 8.3, CBOE notes that pursuant to a Pilot Program that expires on March 14, 2007, two affiliated Market-Makers can hold an appointment in the same class provided both Market-Makers operate as multiple aggregation units under the criteria set forth in CBOE Rule 8.4(c)(ii). This provision is consistent with current CBOE Rule 8.3(c)(iii).

As provided in new Interpretation .01 to CBOE Rule 8.3, in the event the total appointment cost for all of the Hybrid 2.0 Classes, Hybrid Classes, and/or Non-Hybrid Classes, constituting a Market-Maker's appointment on the approval date of this rule change exceeded 1.0, then CBOE proposes to grant the Market-Maker six months from the date of the approval of this rule change to comply with the provisions of CBOE Rule 8.3(c)(v) that provide a Market-Maker's appointed classes cannot have an total appointment cost in excess of 1.0. During these six months, any Market-Maker whose total appointment cost exceeds 1.0 would be ineligible to request an appointment in any other option class until the Market-Maker's total appointment cost is less than 1.0. The preceding limited exemption to CBOE Rule 8.3(c)(v) would be available only to those Market-Makers whose total appointment cost for all of the Hybrid 2.0 Classes, Hybrid Classes, and/or Non-Hybrid Classes, constituting a Market-Maker's appointment would have exceeded 1.0 on April 24, 2006, if the rule had been in effect on that date.

2. Statutory Basis

CBOE believes the proposed rule change is consistent with the Act[5] and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the CBOE consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2006–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2006–51. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

[3] Prior to the Pilot Program, a Market-Maker could only stream electronic quotes into an option class when he/she was physically present in his/her appointed trading station.

[4] CBOE Rule 8.3(c) currently provides that for any class in which the affiliated RMM or e-DPM has an appointment, a Market-Maker is ineligible to submit electronic quotations from outside of its appointed trading station.

[5] 15 U.S.C. 78a *et seq.*

[6] 15 U.S.C. 78(f)(b).

[7] 15 U.S.C. 78(f)(b)(5).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549–9303. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2006–51 and should be submitted on or before July 11, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Nancy M. Morris,

Secretary.

[FR Doc. E6–9578 Filed 6–19–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53978; File No. SR–NYSE–2006–42]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Relating to American Depositary Receipt Fees

June 13, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 25, 2006, the New York Stock Exchange LLC ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by NYSE. NYSE has designated the proposed rule change as a "non-controversial" rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. On June 12, 2006, NYSE submitted Amendment No. 1 to the proposed rule change.[5] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE proposes to amend Section 103.04 of the Exchange's Listed Company Manual relating to sponsored American Depositary Receipts ("ADRs") to eliminate the requirement that certain services must be provided without charge. The text of the proposed rule change, as amended, is set forth below. Proposed new language is underlined; proposed deletions are [bracketed].

* * * * *

Listed Company Manual

* * * * *

103.00 Non-U.S. Companies

* * * * *

103.04 Sponsored American Depository Receipts or Shares ("ADR[']s")

In order to list ADRs, the Exchange requires that such ADRs be sponsored. Foreign private issuers [Non-U.S. companies] sponsor their ADR[']s by entering into a[n] *deposit* agreement with an American depository bank to provide, [without charge to the ADR holders,] such services as cash and stock dividend payments, transfer of ownership, and distribution of company financial statements and notices, such as shareholder meeting material. This agreement is a required supplement to the basic Listing Agreement. (See [Para.] *Section* 901.00 for the text of the Listing Agreements.)

[Non-U.S. companies electing to sponsor their ADR's are often interested in putting their names and products prominently before the American public. This may result in a direct relationship with American investors, customers and suppliers. An Exchange listing requires that a company sponsor its ADR'S.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NYSE included statements concerning the purpose of, and basis for, the proposed rule change, as amended, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NYSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose D

NYSE proposes to amend Section 103.04 of the Exchange's Listed Company Manual (the "Manual"). Section 103.04 currently requires that the depositary agreement entered into between a non-U.S. company and an American depository bank must provide that services such as cash and stock dividend payments, transfer of ownership, and distribution of company financial statements and notices, such as shareholder meeting material, be provided to ADR holders free of charge. The Exchange proposes to eliminate this requirement.

The Exchange represents that Section 103.04 of the Manual dates from a time when companies listed ordinary shares in their home market and ADRs on NYSE. Historically, when an issuer listed a sponsored ADR security, trading would occur both in the underlying security in the home country and in the ADRs on the Exchange. As a result, the Exchange states, conversions between the underlying security and the ADR provided significant revenue for the depositary bank. In addition, at that time, the Exchange asserts, the market for depositary services was less competitive and institutional investors played a more limited role in influencing issuer and bank practices.

The Exchange asserts that today, however, depositary receipts have become a preferred method of equity financing and are listed on exchanges around the world. Moreover, the Exchange represents that it is now not unusual for issuers from developing markets, such as China and other Asian countries, to list ADRs in the United States without also listing the underlying securities in their home market. The Exchange represents that because no other U.S. or overseas market limits the fees that depositary banks can charge ADR holders, it believes that the practical effect of Section 103.04 of the Manual is to increasingly foreclose the Exchange as a listing market for Asian issuers. As a result of a lack of potential conversion revenue, the Exchange argues that the effect of Section 103.04 of the Manual is to place the depositary bank at an economic disadvantage if the issuer lists its ADRs on the Exchange. Thus, the Exchange believes that NYSE's limitation on the fees that can be

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[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii)

[4] 17 CFR 240.19b–4(f)(6).

[5] In Amendment No. 1, the Exchange eliminated proposed changes to the title of Section 103.00 of the Listed Company Manual and corrected typographical errors in the rule text.

charged to ADR holders has become an impediment to intermarket competition both within the United States and with international listing venues.

Moreover, NYSE notes that fees applicable to ADR holders are clearly disclosed in the company's registration statement when a company registers its ADRs and the underlying securities with the Commission in connection with listing on a U.S. market. The deposit agreement, which sets forth the applicable fees, is also required to be filed as an exhibit to the company's registration statement and to the depositary bank's registration statement on Form F–6.

NYSE also believes that the competition among the depositary banks in the sponsored ADR market serves to regulate the fees that banks charge to ADR holders. In light of these developments, the Exchange no longer feels that it is necessary or appropriate for NYSE to regulate fees for ADR holders.

2. Statutory Basis

The Exchange believes that the statutory basis for the proposed rule change, as amended, is the requirement under Section 6(b)(5) of the Act[6] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

NYSE has designated the foregoing rule change, as amended, as a "non-controversial" rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(6) thereunder[8] because the rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the day on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the five-day pre-filing requirement and the 30-day operative delay period for "non-controversial" proposals and make the proposed rule change, as amended, effective and operative upon filing. The Commission hereby grants the request. The Commission believes that waiving the 30-day operative delay for the proposed rule change, as amended, is consistent with the protection of investors and the public interest because other national securities exchanges do not have similar restrictions on depositary bank fees in their listing standards.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2006–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2006–42. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2006–42 and should be submitted on or before July 11, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Nancy M. Morris,

Secretary.

[FR Doc. E6–9606 Filed 6–19–06; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78(f)(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change, as amended, under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on June 12, 2006, the date on which NYSE submitted Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53979; File No. SR–Phlx–20006–30]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Reducing Staffing Requirements for Options Specialist Units

June 14, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 4, 2006, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change as described in Items I, II and III below, which Items have been prepared by the Phlx. On June 6, 2006, the Phlx filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Phlx Rule 501(d) to reduce the mandatory staffing requirement to be approved as an options or foreign currency options specialist unit and to retain such status, while continuing to enable the Exchange's Options Allocation, Evaluation and Securities Committee ("Options Allocation Committee")[4] to require a unit to obtain additional staffing.

The text of the proposed rule change is set forth below. Proposed new language is in *italics*; proposed deletions are in [brackets]:

Rule 501. Specialist Appointment

(a)–(c)—No Change.

(d) To be approved as a specialist unit and to retain the privilege of such status, an options or foreign currency options specialist unit must maintain the approved clearing arrangements and capital structure stated on their application as described in (b)(2) and (b)(3) above. Changes regarding the requirements in (b)(4) must be submitted and approved by the Committee. In addition, each unit must consist of at least the following staff for each [quarter turret (or equivalent portion of a] trading floor specialist post[)]: (1) One head specialist; *and* (2)[two] *one* assistant specialist[s with respect to options specialist units (of which at least one] *that* must be associated with the specialist unit[); and (3) one specialist clerk]. The Committee, in its discretion, may require a unit to obtain additional staff depending upon the number of assigned options classes and associated order flow.

(e)–(f)—No Change.

Commentary—No Change.

[3] In Amendment No. 1, the Exchange clarified the rationale for reducing staffing for foreign currency options and made non-substantive changes to the proposed rule change.

[4] *See* Phlx By-Law Article X, Section 10–7. The Options Allocations Committee has jurisdiction over, among other things: the appointment of specialists on the options and foreign currency options trading floors; allocation, retention and transfer of privileges to deal in options on the trading floors; and administration of the 500 series of Phlx rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of, and basis for, the proposed rule change, as amended, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change, as amended, is to provide flexibility in options and foreign currency options specialist unit staffing by reducing the mandatory staffing requirement, in light of increased automation respecting options trading.

Currently, Phlx Rule 501(d) requires that in order to be approved as an options or foreign currency options specialist unit and retain such status, the specialist unit shall have at each quarter turret or trading post one head specialist, two assistant specialists (at least one of whom must be associated with the specialist unit), and one specialist clerk.[5] However, as the Exchange and member organizations continue to enhance options trading technology and options orders are now automatically executed on the Exchange over 90% of the time, the need to maintain the present required staffing levels for every specialist unit (three specialists and a clerk) is significantly reduced.[6] The Exchange believes that, in light of such technological advances, and in conjunction with requests from specialist units for greater staffing flexibility, requiring only one assistant specialist and eliminating the requirement for a specialist clerk is warranted.[7]

2. Statutory Basis

The Exchange believes that the proposal, as amended, is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that the proposal is designed to promote just and equitable principles of trade, and to protect investors and the public interest, by adding flexibility to specialist staffing requirements while retaining the ability of the Options Allocations Committee to require additional staffing where appropriate, which should enhance operational efficiencies.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, as amended; or

B. Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

[5] The Exchange is also proposing to make non-substantive changes to Phlx Rule 501(d) such as deletion of obsolete references to quarter turrets, which are no longer used on the floor.

[6] Furthermore, the Phlx believes that the number of foreign currency option orders executed on the Exchange does not warrant high staffing levels. In 2005, as an example, the number of foreign currency option orders executed on the Exchange was less than 1% of the overall number of option orders executed on the Exchange. Telephone conversation between Jurij Trypupenko, Director, Phlx and David Michehl, Special Counsel, Division of Market Regulation, Commission on June 13, 2006.

[7] The changes proposed in Phlx Rule 501(d) herein are not intended to alter other specialist unit obligations established by Phlx rules.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2006–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2006–30. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–30 and should be submitted on or before July 11, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Nancy M. Morris,

Secretary.

[FR Doc. E6–9605 Filed 6–19–06; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0450]

Rustic Canyon Ventures SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Rustic Canyon Ventures SBIC, L.P., 2425 Olympic Blvd., Suite 6050W, Santa Monica, CA 90404, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730 (2005)). Rustic Canyon Ventures SBIC, L.P. proposes to provide equity security financing to Intrepid Learning Solutions, Inc., 411 First Avenue South, Suite #300, Seattle WA 98104. The financing is contemplated for operating expenses and for general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Staenberg Private Capital, LLC and Staenberg Venture Partners II, L.P., both Associates of Rustic Canyon Ventures SBIC, L.P., own more than ten percent of Intrepid Learning Solutions, Inc. Therefore, Intrepid Learning Solutions, Inc., is considered an Associate of Rustic Canyon Ventures SBIC, L.P., as defined at 13 CFR 107.50 of the SBIC Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

Jaime Guzmán-Fournier,

Associate Administrator for Investment.

[FR Doc. E6–9628 Filed 6–19–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10480 and #10479]

Maine Disaster Number ME–00004

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Maine (FEMA–1644–DR), dated 5/25/2006.

Incident: Severe Storms and Flooding.

Incident Period: 5/13/2006 and continuing through 5/23/2006.

Effective Date: 6/12/2006.

Physical Loan Application Deadline Date: 7/24/2006.

EIDL Loan Application Deadline Date: 2/26/2007.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Maine, dated 5/25/2006, is hereby amended to establish the incident period for this disaster as beginning 5/13/2006 and continuing through 5/23/2006.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008.)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E6–9680 Filed 6–19–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10482 and #10481]

Massachusetts Disaster Number MA–00006

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Massachusetts (FEMA–1642–DR) , dated 5/25/2006.

Incident: Severe Storms and Flooding.

Incident Period: 5/12/2006 and continuing through 5/23/2006.

Effective Date: 6/12/2006.

Physical Loan Application Deadline Date: 7/24/2006.

EIDL Loan Application Deadline Date: 2/26/2007.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Massachusetts, dated 5/25/2006, is hereby amended to establish the incident period for this disaster as beginning 5/12/2006 and continuing through 5/23/2006.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008.)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E6–9677 Filed 6–19–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10478 and #10477]

New Hampshire Disaster Number NH–00002

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of New Hampshire (FEMA–1643–DR), dated 5/25/2006.

Incident: Severe Storms and Flooding.

Incident Period: 5/12/2006 and continuing through 5/23/2006.

Effective Date: 6/12/2006.

Physical Loan Application Deadline Date: 7/24/2006.

EIDL Loan Application Deadline Date: 2/26/2007.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of New Hampshire, dated 5/25/2006, is hereby amended to establish the incident period for this disaster as beginning 5/12/2006 and continuing through 5/23/2006.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008.)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E6–9678 Filed 6–19–06; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2006–19]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 10, 2006.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–2006–25036 by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Susan Lender, (202) 267–8029 or John Linsenmeyer, (202) 267–5174, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on June 14, 2006.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2006–25036.

Petitioner: ConocoPhillips Alaska.

Section of 14 CFR Affected: 14 CFR part 43 Appendix A(c).

Description of Relief Sought: This exemption, if granted, would allow ConocoPhillips Alaska to train Type Rated CASA 212 pilots to remove and install the approved baggage bin from the Company CASA 212–300DF. The pilots could then perform this function while operating under 14 CFR part 91 in remote areas. Safety would not be compromised as the installation and removal process requires no tools and all pilots would attend and successfully complete an initial training course. Recurrent training would follow every two years thereafter.

[FR Doc. E6–9616 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2006–18]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 10, 2006.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–2006–24624] by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting

comments on the DOT electronic docket site.

- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John Linsenmeyer (202) 267–5174 or Tim Adams (202) 267–8033, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on June 13, 2006.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2006–24624.

Petitioner: Experimental Aircraft Association, Inc.

Section of 14 CFR Affected: 14 CFR 61.49(b)(2) and 61.405(b)(2)(iii).

Description of Relief Sought: To allow applicants to use an aircraft that is not approved for spins during retests for a flight instructor certificate with sport pilot rating practical test.

[FR Doc. E6–9617 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2006–25082]

Notice of Request for the Extension of Currently Approved Information Collections

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: The Federal Transit Administration invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew the following information collections:

(1) Bus Testing Program.

(2) Transit Research, Development, Demonstration and Deployment Projects.

The collections involve our Bus Testing and Transit Research Programs. The information to be collected for the Bus Testing Program is necessary to ensure that buses have been tested at the Bus Testing Center for maintainability, reliability, safety, performance, structural integrity, fuel economy, emissions, and noise. The information to be collected for Transit Research, Development, Demonstration and Deployment Projects is necessary to determine eligibility of applicants and ensure mass transportation service at a minimum cost. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted before August 21, 2006.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to (202) 493–2251; or submit electronically at *http://dms.dot.gov*. All comments should include the docket number in this notice's heading. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you desire a receipt, you must include a self-addressed, stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgement page.

FOR FURTHER INFORMATION CONTACT:

—Mr. Marcel Belanger, FTA Office of Research, Demonstration and Innovation, (202) 366–0725, for the Bus Testing Program.

—Mr. Bruce Robinson, FTA Office of Research, Demonstration and Innovation, (202) 366–4209, for Transit Research, Development, Demonstration and Deployment Projects.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of these information collections, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of these information collections.

Title: Bus Testing Program.

OMB Control No.: 2132–0550.

Background: 49 U.S.C. 5323(c) provides that no Federal funds appropriated or made available after September 30, 1989, may be obligated or expended for the acquisition of a new bus model (including any model using alternative fuels) unless the bus has been tested at the Bus Testing Center (Center) in Altoona, Pennsylvania. 49 U.S.C. 5318(a) further specifies that each new bus model is to be tested for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

The operator of the Bus Testing Center, the Pennsylvania Transportation Institute (PTI), has entered into a cooperative agreement with FTA. PTI operates and maintains the Center, and establishes and collects fees for the testing of the vehicles at the facility. Upon completion of the testing of the vehicle at the Center, a test report is provided to the manufacturer of the new bus model. The bus manufacturer certifies to an FTA grantee that the bus the grantee is purchasing has been tested at the Center. Also, grantees about to purchase a bus use this report to assist them in making their purchasing decisions. PTI maintains a reference file for all the test reports which are made available to the public.

Respondents: Bus manufacturers.

Estimated Annual Burden on Respondents: 30 testing determinations @ 3 hours each; 18 tests @ 3 hours each; and 520 requirements @ 0.5 hours each.

Estimated Total Annual Burden: 404 hours.

Frequency: On occasion.

Title: 49 U.S.C. Section 5312(a) Transit Research, Development, Demonstration and Deployment Projects

OMB Control No.: 2132–0546

Background: 49 U.S.C. 5312(a) authorizes the Secretary of Transportation to make grants or contracts for research, development, demonstration and deployment projects, and evaluation of technology of national significance to public transportation, that the Secretary determines will improve mass transportation service or help transportation service meet the total urban transportation needs at a minimum cost. In carrying out the provisions of this section, the Secretary is also authorized to request and receive

appropriate information from any source.

The information collected is submitted as part of the application for grants and cooperative agreements and is used to determine eligibility of applicants. Collection of this information also provides documentation that the applicants and recipients are meeting program objectives and are complying with FTA Circular 6100.1B and other federal requirements.

Respondents: FTA grants recipients.

Estimated Annual Burden on Respondents: 56 hours for each of the 200 respondents.

Estimated Total Annual Burden: 11,240 hours.

Frequency: Annual.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FTA's performance; (2) the accuracy of the estimated burden; (3) ways for FTA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: June 15, 2006.

Ann Linnertz,

Acting Associate Administrator for Administration.

[FR Doc. E6–9669 Filed 6–19–06; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34881]

Union Pacific Railroad Company—Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's line of railroad between "Bullfrog Junction" Near BNSF's Puyalloy River Bridge 8.78 and the point of connection with BNSF's Seattle Division main line at River Street Interlocking, BNSF Milepost 38.94X, in Tacoma, WA, a distance of approximately 0.6 miles.

The transaction was scheduled to be consummated on ora after June 7, 2006, the effective date of the exemption.[1]

The purpose of the trackage rights is to create an additional overhead routing for UP trains in the Tacoma area.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice i8s filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time, The filing of a petition to revoke all not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34881, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on: Robert T. Opal, General Commerce Counsel, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: June 12, 2006

Vernon a. Williams,

Secretary.

[FR Doc. E6–9481 Filed 6–19–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–167 (Sub-No. 1188X)]

Consolidated Rail Corporation—Abandonment Exemption—in Wayne County, MI

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR part 1152 subpart F–*Exempt Abandonments* to abandon approximately 4.3 miles of two contiguous lines of railroad as follows: (1) the Detroit Terminal West Industrial Track, between approximately milepost 7.70± near Joseph Campau Street and approximately milepost 10.30± near Woodrow Wilson Street; and (2) the Highland Park Industrial Track, between approximately milepost 7.40± near Woodrow Wilson Street and approximately milepost 5.70± near Cloverdale Street, in Detroit and Highland Park, Wayne County, MI.[1] The lines traverse United States Postal Service Zip Codes 48212, 48203, and 48238.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(l) (notice to governmental agencies) have been met.

As a condition to this exemption, any employees adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.–Abandonment–Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 20, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49

[1] A decision served on June 6, 2006, denied a petition to stay the operation of the notice of exemption filed by John D. Fitzgerald, for and on behalf of the United Transportation Union-General Committee of Adjustment. Dennis R. Pierce filed a letter on June 5, 2006, on behalf of the Brotherhood of Locomotive Engineers and Trainman-General Committee of Adjustment in support of the stay request filed by Mr. Fitzgerald.

[1] Milepost 10.30 on the Detroit Terminal West Industrial Track is the same as milepost 7.40 on the Highland Park Industrial Track.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee which as of April 19, 2006, is set at $1,300. *See Regulations Governing Fees for Service Performed in Connection With Licensing and Related Services-2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006). *See* 49 CFR 1002.2(f)(25).

CFR 1152.29 must be filed by June 30, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 10, 2006, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to Conrail's representative: John K. Enright, 1000 Howard Boulevard, 4th Floor, Mt. Laurel, NJ 08054.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Conrail has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by June 23, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Conrail shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by Conrail's filing of a notice of consummation by June 20, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: June 9, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–9563 Filed 6–19–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 13, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before July 20, 2006 to be assured of consideration.

Federal Consulting Group

OMB Number: 1505–0164.

Type of Review: Extension.

Title: Reporting and Procedures Regulations 31 CFR Part 501.

Description: Submissions will provide the U.S. Government with information to be used in enforcing various economic sanctions programs administered by OFAC less than 31 CFR chapter V.

Respondents: Individuals and households; Business or other-for-profit; Not-for-profit institutions; Federal Government.

Estimated Total Reporting Burden: 26,250 hours.

Clearance Officer: Office of Foreign Assets Control, (202) 622–2500, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex-2nd Floor, Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–9609 Filed 6–19–06; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 13, 2006.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before July 20, 2006 to be assured of consideration.

Financial Management Service

OMB Number: 1510–0073.

Type of Review: Extension.

Title: ETA Financial Agency Agreement.

Description: This application will collect a financial institution's identifying information, confirm a financial institution's commitment to offering the ETA, identify a point of contact for the ETA Program and determine date when institutions will offer ETAs.

Respondents: Business or other for-profit.

Estimated Total Burden Hours: 10 hours.

Clearance Officer: Jiovannah Diggs, (202) 874–7662, Financial Management Service, Room 144, 3700 East West Highway, Hyattsville, MD 20782.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–9610 Filed 6–19–06; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (10–21034j)]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to this notice. This notice solicits comments for information needed to develop an

actuarial projection of veterans' enrolled in VA's health care system.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 21, 2006.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *ann.bickoff@hq.med.va.gov*. Please refer to "OMB Control No. 2900–New (10–21034j)" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann W. Bickoff at (202) 273–8310 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Health Insurance and Key Driver Modules for the Survey of Veteran Enrollees' Health and Reliance Upon VA, VA Forms 10–21034j, 10–21034k.

OMB Control Number: 2900–New (10–21034j).

Type of Review: New collection.

Abstract: VA will use the data collected on VA Forms 10–21034j and 10–21034k to accurately project the number of veterans' enrolled in and/or utilizing VA's health care system and as the basis for policy and budgetary analyses.

Affected Public: Federal Government.

Estimated Annual Burden:

VA Form 10–21034j—2,800 hours.

VA Form 10–21034k—67 hours.

Estimated Average Burden Per Respondent:

VA Form 10–21034j—4 minutes.

VA Form 10–21034k—2 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

VA Form 10–21034j—42,000.

VA Form 10–21034k—2,000.

Dated: June 12, 2006.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E6–9681 Filed 6–19–06; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
June 20, 2006

Part II

The President

Executive Order 13405—Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

Notice of June 19, 2006—Continuation of the National Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Usable Fissile Material in the Territory of the Russian Federation

Presidential Documents

Federal Register
Vol. 71, No. 118
Tuesday, June 20, 2006

Presidential Documents

Title 3—

The President

Executive Order 13405 of June 16, 2006

Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*)(NEA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, determine that the actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus' democratic processes or institutions, manifested most recently in the fundamentally undemocratic March 2006 elections, to commit human rights abuses related to political repression, including detentions and disappearances, and to engage in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, hereby declare a national emergency to deal with that threat, and hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(A) to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus;
(B) to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus;
(C) to be a senior-level official, a family member of such an official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus;
(D) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraphs (a)(ii)(A) through (C) of this section or any person listed in or designated pursuant to this order; or
(E) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to this order.

(b) I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person listed in or designated pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person listed in or designated pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. For those persons listed in or designated pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

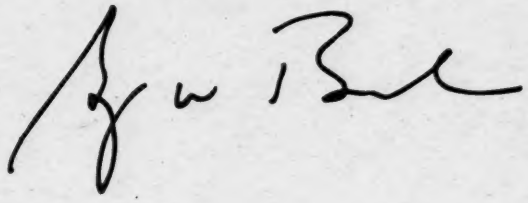
Sec. 5. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All executive agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 U.S.C. 1641) applicable to the Department of the Treasury in relation to this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 7. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 8. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 9. This order is effective at 12:01 a.m. eastern daylight time on June 19, 2006.



THE WHITE HOUSE,
June 16 2006.

Billing code 3195–01–P

ANNEX

Individuals

1. Alyaksandr Hryhoryavich Lukashenka [President, born August 30, 1954]
2. Natallia Uladzimirauna Piatkevich [Deputy Head of the Presidential Administration, born October 24, 1972]
3. Viktar Hryhoryavich Halavanau [Minister of Justice, born 1952]
4. Aliaksandr Leanidavich Zimousky [Head of the Belarusian State Television and Radio Company (BSTRC) and Member of the Upper House of Parliament, born January 10, 1961]
5. Stiapan Mikalayevich Sukharenka [Chairman of the Belarusian KGB, born January 27, 1957]
6. Viktar Uladzimiravich Sheiman [State Secretary of the Security Council, born May 26, 1958]
7. Dzmitry Valeryevich Paulichenka [Commander of the Special Response Group of the Ministry of the Interior (SOBR), born 1966]
8. Uladzimir Uladzimiravich Naumau [Minister of Internal Affairs, born 1956]
9. Lidziya Mihaulauna Yarmoshina [Head of the Central Commission for Elections and National Referendums (CEC), born January 29, 1953]
10. Viktar Aliaksandravich Lukashenka [President's National Security Advisor, born 1976]

[FR Doc. 06–5592
Filed 6–19–06; 11:43 am]
Billing code 3195–01–C

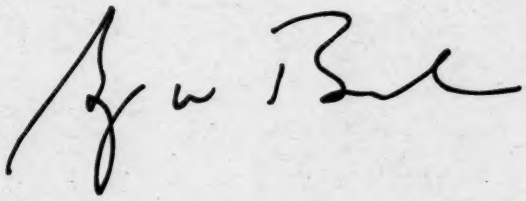
Presidential Documents

Notice of June 19, 2006

Continuation of the National Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Usable Fissile Material in the Territory of the Russian Federation

On June 21, 2000, the President issued Executive Order 13159 (the "order"), blocking property and interests in property of the Government of the Russian Federation that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons that are directly related to the implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the "HEU Agreements"). The HEU Agreements allow for the downblending of highly enriched uranium derived from nuclear weapons to low enriched uranium for peaceful commercial purposes. The order invoked the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*, and declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation.

The national emergency declared on June 21, 2000, must continue beyond June 21, 2006, to provide continued protection from attachment, judgment, decree, lien, execution, garnishment, or other judicial process for the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and subject to U.S. jurisdiction. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to weapons-usable fissile material in the territory of the Russian Federation. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
June 19, 2006.

[FR Doc. 06–5593
Filed 6–19–06; 11:43 am]
Billing code 3195–01–P

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Federal Register

Vol. 71, No. 118

Tuesday, June 20, 2006

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html.* Some laws may not yet be available.

H.R. 4939/P.L. 109–234

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (June 15, 2006; 120 Stat. 418)

S. 193/P.L. 109–235

Broadcast Decency Enforcement Act of 2005 (June 15, 2006; 120 Stat. 491)

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Mine Improvement and New Emergency Response Act of 2006 (June 15, 2006; 120 Stat. 493)

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